



U.S. National
Science Foundation

Language Access Plan





U.S. National Science Foundation’s Language Access Plan

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Executive Summary

Under Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” (2000) the U.S. National Science Foundation (NSF), as a federal agency, is required to take steps to provide meaningful access to its programs and activities by members of the public who have limited English proficiency (LEP). Furthermore, the Executive Order makes clear that LEP individuals should expect to receive the language assistance necessary to afford them meaningful access to federally conducted programs and activities free of charge. The scope of this Executive Order does not pertain to employees or contractors of federal agencies but to members of the public affected by or seeking to participate in a program or service provided by the Agency.

On November 21, 2022, the Department of Justice (DOJ) issued a Memorandum for federal agencies to strengthen their commitment to language access. DOJ will also “work collaboratively with agencies to help determine: (i) whether agencies can further update their language access policies and plans; (ii) whether agencies are effectively reaching individuals with limited English proficiency when disseminating information about federal resources, programs, and services; (iii) whether agencies have considered updates or modifications to guidance to federal financial assistance recipients regarding their obligations to provide meaningful language access under the requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulations; and (iv) whether agencies can adapt their digital communications to welcome individuals with limited English proficiency.” In response, NSF is updating its Language Access Plan (LAP) to improve any gaps the agency has identified in providing accessible language services to the public and implementing initiatives to help NSF monitor the agency’s language access needs.

Background and Legal History

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Section 602 authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity “to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability.” 42 U.S.C. 2000d-1.

On August 11, 2000, Executive Order 13166 ([EO 13166](#)) “Improving Access to Services for Persons with Limited English Proficiency,” 65 FR 50121 (August 16, 2000) was issued. On that same day, the DOJ issued a general guidance document addressed to “Executive Agency Civil Rights Officers,” setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order (LEP Guidance).

As stated in Section 2 of this Executive Order, which pertains to federally conducted programs and activities, “Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”



Other equity Executive Orders that ensure person with LEP have access to federally conducted programs and activities include:

- [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 86 Fed. Reg. 14, 7009 (Jan. 20, 2021) (Persons with LEP could be considered “underserved communities” and this Order asks agencies to consider “potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in federal programs.”),
- [Executive Order 14031, Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders](#), 86 Fed. Reg. 105, 29675 (June 3, 2021) (“Linguistic isolation and lack of access to language assistance services continue to lock many AA and NHPI individuals out of opportunity”)
- [Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 88 Fed. Reg. 35, 10825 (Feb. 22, 2023) (“improve language access services to ensure that all communities can engage with agencies’ respective civil rights offices, including by fully implementing Executive Order 13166”)

Policy Statement

The LAP aims to increase access to NSF conducted programs and activities by individuals with limited English proficiency (LEP). LEP individuals include those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals are also eligible to receive language assistance with respect to a particular type of service, benefit, or encounter. NSF’s policy is to provide individuals with LEP meaningful access to NSF-conducted programs and activities in which they may be individually eligible to participate.

Who is Covered?

All members of the public are eligible to receive language services. According to the U.S. Census Bureau in 2019, Spanish and Chinese are the top spoken languages other than English in the U.S. NSF recognizes Spanish and Chinese as the top spoken languages other than English in the U.S. (see Table 1). In response, as a best practice, NSF will work to improve access by individuals who speak Spanish and/or Chinese as their primary language to NSF programs in addition to other languages on an ad hoc basis. NSF will also assess LEP populations NSF staff encounter in the provision of programs and services. This assessment will assist NSF in providing interpretation and translations services to these populations.



Table 1. **Five Most Frequently Spoken Languages Other Than English (LOTE) in U.S. Homes: 2019**

Language	Estimate	Percent of LOTE population
Spanish or Spanish Creole	41,757,391	61.6
Chinese	3,494,544	5.2
Tagalog	1,763,585	2.6
Vietnamese	1,570,526	2.3
Arabic	1,260,437	1.9

Source: U.S. Census Bureau, 2019 American Community Survey, 1-year estimates.

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In addition, according to the American Community Survey, the top five languages spoken in the United States by individuals with LEP are Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino). NSF staff are encouraged to review the mapping resources at <https://www.lep.gov/maps> and consult with community organizations and stakeholders to ensure its programs and activities adequately reach all communities, regardless of the language spoken.

How to Determine the Obligation to Provide LEP Services?

NSF offices and directorates are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Staff should, at the point of first contact with an individual with LEP, make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services. Staff can determine whether a person needs language assistance in several ways:

- Voluntary self-identification by the individual with LEP or their companion.
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services.
- Engagement by a qualified multilingual staff or qualified interpreter to verify an individual's primary language; or
- Use of an "I Speak" language identification card or poster.

Staff should not make assumptions about an individual's primary language based on race, color, national origin. Additional considerations when identifying language may include asking the

¹ <https://www.census.gov/library/stories/2022/12/languages-we-speak-in-united-states.html>



individual about their region, municipality, village, or specific community, to ensure the correct identification of language.

If it is determined that language assistance is necessary for an office/directorate programs or activities, they should contact OECR for contract services.

Offices/directorates can reach out to OECR at LAP@nsf.gov with assistance.

Plan Development

This plan was developed through collaboration with each NSF office and directorate.

NSF conducted an agency wide analysis to determine staff interactions with LEP individuals using the following four factors (four factor analysis):

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or activity.
- (2) the frequency with which LEP individuals encounter the program.
- (3) the nature and importance of the program, activity, or service to people's lives; and
- (4) the resources available to the agency and costs.

The analysis was conducted by distributing a survey to each office/directorate to determine the frequency that NSF interacts with persons with LEP, what NSF programs, services, and activities are offered to the public, what resources were already available for language access, and where there were gaps in providing those services.

Following the survey, the Office of Equity and Civil Rights (OECR) began an open dialogue with staff across the agency to better understand what services are already in place to provide language access, and where there are gaps.

How NSF will Provide Language Access

The preliminary survey that was sent out to the agency determined that NSF does not have frequent interactions with individuals who have LEP. Through the survey, it was determined that bilingual staff are most used to translate communications or to interact with PI's who feel most comfortable speaking in their native language (which is typically Spanish.) Bilingual staff should only be used in informal cases. If a translated material is to be publicly displayed through the NSF website or other official communication channels, those materials should be translated by a qualified professional or service.

At this time, NSF staff should contact OECR at LAP@nsf.gov for available translation resources. OECR will then reach out to an appropriate vendor to translate or interpret the information. Typical services include: OnDemand translation, over-the-phone interpretation, and transcription/subtitling. Translation services will need to be requested at least one week prior to the due date; however, depending on the length and complexity, services may need to be requested earlier.



For persons with LEP and a disability, OECR will provide additional accommodation along with language access. Examples of reasonable accommodation and translation support could include closed captioning, sign language, etc.

OECR will use a qualified external vendor on an ad hoc basis to translate or interpret. Purchases will be made through the purchase card unless the cost exceeds the allowed amount. OECR will formally track the translation and interpretation requests and determine on a yearly basis if an official contract is needed.

Additionally, NSF encourages that vital written materials routinely provided in English to applicants and the public are available in frequently encountered languages other than English. Vital documents can include consent forms, letters containing important information regarding participation in a program or activity, information on the right to file complaints of discrimination, notices advising LEP persons of the availability of free language assistance, etc. Following plan approval, OECR will reference the survey that was distributed to all Offices/Directorates to determine which documents should be translated in other languages. OECR will also work with the Office of Integrative Activities (OIA) to determine if there is additional documentation to translate.

In addition, as a part of the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) Interagency Working Group, NSF is developing plans to enhance language access on NSF.gov, including ensuring information on the site is available in plain English and that Asian, Hawaiian, and Pacific Islanders languages will be considered when translating pages to other languages.

Implementation and Monitoring

Implementation strategies

NSF will ensure effective communication with LEP individuals by implementing this comprehensive Language Access Plan. OECR will act as the liaison for implementing NSF's plan; providing language services that are accurate, timely, and culturally appropriate to LEP individuals; and monitoring when updates to the plan are needed.

Once the LAP has been approved by the Office of the Director, OECR will begin implementing the LAP.

OECR's Office Head will be designated as the LAP Coordinator and will be responsible for implementing, monitoring, and evaluating the LAP. The OECR Office Head may designate other OECR or NSF staff to serve as LAP Coordinator.

Within one month of approval, OECR will also create an email address that will address inquiries about language access. The LAP Coordinator will monitor the email. Until the email box is created, all language service inquiries should be directed to programcomplaints@nsf.gov or call 703-292-8020.



Within one month of approval, OECR will promote the LAP through various communication channels throughout the agency. Some communication channels include an NSF bulletin emailed to all NSF staff and the announcing the plan through the NSF Newsletter, The Weekly Wire.

In addition, OECR will present the LAP and how to provide language access services during their portion of the twice monthly New Employee Orientation. To maintain NSF staff awareness of providing language access services, OECR will send yearly reminders through the bulletin and the Weekly Wire regarding the plan and who to contact if NSF staff has questions. If needed, materials such as guidelines and FAQs will be produced by OECR for agency distribution.

Within six months of plan approval, OECR will also create a Language Access Working Group. The group's purpose will be to meet to discuss language access initiatives within the agency. Members of the working group will be drawn from the top 4 identified offices that encounter people with LEP. Those include OECR, the Policy Office within the Office of Budget, Finance & Award Management, the Office of Legislative and Public Affairs (OLPA), and the Office of Integrative Activities. Other members of the group may include the Broadening Participation working group and the Chief Diversity and Inclusion Officer. In addition, the LAP Coordinator will act as chair of the working group.

The group will meet twice each year to discuss any needed updates to language access in their office. Responsibilities of the working group may include reviewing documents, attending biannual meetings, distributing materials to their respective offices/directorates, and collecting data on language access requests from their office/directorate. Data tracking may include number of cases, matters, or outreach initiatives where language assistance was provided, the primary language requested or provided, the type of language assistance services provided, or the cost of any language assistance services provided. The data collected will provide clarity regarding language assistance needs for the future and assist in further updating the LAP.

Within one year of plan approval, OECR will create internal and external webpages with resources regarding language access, including translated material, translation services, and other related information.² The webpages will act as a central repository for translated materials to avoid duplication. NSF will work with the Division of Administrative Services to create and update the webpage, as needed.

In addition to the webpages, OECR has already updated the [Proposal & Award Policies and Procedures Guide \(PAPPG\)](#) to include language on accessing NSF's LAP and a link to the NSF LAP webpage. If additional information/webpages are created, OECR will ensure that the PAPPG is updated.

² On November 14, 2022, the U.S. Web Design System issued guidance on displaying a language selector. This is the "consistent placement, interface, and behavior of the language selection component [that] allows users to easily find and access content in the language the user is most comfortable in." More information can be found here: <https://designsystem.digital.gov/components/language-selector/>.



Monitoring NSF's LAP

The LAP Coordinator will be responsible for monitoring the LAP. To monitor if additional language services are needed, the LAP Coordinator will utilize the working group to analyze if the LAP needs updating. If the working group determines the need for an update, the LAP Coordinator will work with the directorates and offices to implement a new strategy. In contrast, if it is determined that no change is needed, the LAP will remain the same.

Data collection may include but is not limited to conducting an inventory of languages most frequently encountered, identifying the primary channels of contact with LEP community members (whether telephonic, in person, correspondence, web-based, etc.), reviewing programs and activities for language accessibility, reviewing the annual cost of translation and interpreter services, and consulting with outside stakeholders.

NSF Services that May Require Language Access Services

NSF interacts with the public through four main areas: award management, communication/public outreach, broadening participation programs, and site visits.

Award Management

NSF funds research and education in science and engineering through grants, contracts, and cooperative agreements, and funds about 20% of federal support for academic institutions for research. Awards are managed by Program Directors who have key responsibilities in interacting with potential principal investigators, facilitating merit review panels, and recommending funding decisions. Program Directors have limited interaction with LEP individuals and have historically used bilingual NSF staff to translate and interpret. When a need for translation or interpretation services occurs that cannot be solved by directorate staff, Program Directors can reach out to OECR to request additional resources for language access. In addition, Program Directors can also refer the person with LEP to their home institution for language support. OECR will continue to monitor and analyze the need for language services within NSF-funded awards i.e., through application submission and award management (interaction with institutional faculty and staff).

OECR plans to distribute information about language services to Program Directors through the weekly wire, NSF Official Issuance, and by attending directorate staff meetings.

Communication/Public Outreach

NSF communicates with the public through public webinars or presentations, newsletters, web postings, workshops, podcasts, and the NSF website. These public outreach tools serve as a pre-eminent means of informing and engaging the public on NSF's missions and resulting accomplishments. OLPA is responsible for shaping NSF's public messaging and is encouraged to utilize OECR language access resources to develop public communications that are inclusive to persons with LEP and to include language in promotional materials that inform individuals of their rights to language services and how to request them. As part of the monitoring process, OECR will collaborate with OLPA to determine how often translation services are requested and reevaluate if additional services should be provided at NSF, i.e., through contractors.



Broadening Participation Programs

Hispanic Serving Institutions (HSI) Program

The HSI Program supports projects that improve undergraduate STEM education and increase the recruitment, retention, and graduation rates of undergraduate STEM students at Hispanic-serving institutions. Some of the proposals funded by NSF outline how the award will provide languages access to students and faculty and the institutions. Historically, Principal Investigators (PIs) at these universities have not requested translation services to NSF.

Tribal Colleges and Universities Undergraduate Program (TCUP)

The TCUP provides awards to federally recognized Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions to promote high-quality science. Staff that work alongside the TCUP have not had situations arise that required translation or interpretation services into indigenous languages. OECR will continue to analyze and monitor if there is a need to provide greater language access to students and faculty involved with TCUPs.

Site visits

OECR mainly conducts site visits to assess institutions' compliance with NSF Civil Rights regulations such as Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Age Discrimination Act of 1975. If translation services are requested from either staff, faculty, and/or students, OECR will accommodate the request by offering onsite translation services or virtual/telephonic translation services so that they can participate in these visits.

Conclusion

In conclusion, NSF will implement its LAP in recognition of Executive Order 13166. The Agency will hold the same standards as federal civil rights laws with a goal of serving an ever-growing and ever more diverse population. If you have any questions related to this plan, please contact the OECR's Awardee Compliance Branch at LAP@nsf.gov.

NSF will continue to analyze the need to expand upon the language access services provided throughout the agency. OECR will conduct annual reviews of services to determine if additional resources are needed to provide adequate and exceptional language access services to the public. NSF will also continue its efforts to increase STEM representation and analyze how language access plays a part in this initiative.

Appendix

Definitions

Bilingual/Multilingual Staff: A staff member who has proficiency in English and at least one other language, has been assessed for professional interpreting skills, and can use specialized terminology necessary for effective communication. A staff member who only has a rudimentary familiarity with a language other than English shall not be considered Bilingual/Multilingual Staff.



Contractor: Any entity that performs work or provides services on behalf of an agency or division under a contractual agreement with reimbursement.

Interpretation: The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning.

Interpreter: An individual who has been assessed for professional skills, demonstrates a high level of proficiency in at least two languages, and has the appropriate training and experience to render a message spoken or signed in one language into a second language and who abides by a code of professional ethics.

Language Access: Is achieved when individuals with LEP can communicate effectively with NSF employees and contractors and participate in NSF programs and activities.

Language Assistance: All oral and written language services needed to assist individuals with LEP to communicate effectively with NSF staff and contractors and gain meaningful access and an equal opportunity to participate in the services, activities, programs, or other benefits administered by NSF.

Limited English Proficiency: Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance concerning a particular type of service, benefit, or encounter. LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings). An individual who is Deaf and Hard of Hearing may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.

Participant: Any person who has applied for and is receiving public assistance benefits or services under any NSF program or service.

Primary Language: The language in which an individual most effectively communicates when interacting with the NSF. Note that an individual's primary language may be a language variant.

Sight Translation: Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.

Translation: Involves conveying meaning from written text in one language to written text in another language.

Vital Document: Paper or electronic written material that contains information that is critical for accessing a component's programs or activities or is required by law.



Language Access Related Resources

[Federal Interagency Working Group on Limited English Proficiency \(LEP\) Website](#)

[Federal Plain Language Guidelines](#)

[The Interagency Language Roundtable \(ILR\) Website](#)