

# Communication Justice in Vermont



A Resource Guide and Needs Assessment  
Dedicated to the Goal of Building a  
Non-Dominant Language Centric Justice System



Middlebury

PRIVILEGE & POVERTY  
ACADEMIC CLUSTER



VERMONT

CENTER FOR CRIME VICTIM SERVICES

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## Introduction

This document is meant to serve as a resource and reference guide for agencies or organizations looking to expand communication access to crime victims in Vermont. It is a collection of information gained from communication justice\* experts throughout the state, available data on language access state- and nationwide, and language justice plans and practices throughout the United States.

Language access is a human right, and one's ability to speak English should not determine the success of his or her experience in the United States. The U.S. does not have an official language; it is a melting pot of different cultures where people should receive equal treatment and services regardless of the language(s) they speak.

This document begins with a list of definitions necessary to fully understand the following information. It then proceeds into a discussion of why communication access is especially important in crime victim services, and the legal basis for providing equal services to those who do not use English as their primary language. Next, the document describes three major challenges impeding language access in Vermont. The subsequent section contains available data relevant to language access in Vermont. The document then lists recommended interpretation and translation services, detailing their costs and providing examples of how to budget for these services. There is then a discussion of language access plans, complete with necessary components and examples. Finally, the document concludes with best practices on how to provide culturally and linguistically appropriate services to those who do not use English as their first language.

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\* This document uses the term “communication justice” to include people with communication disabilities.

## Important Definitions

- **Certified Interpreter:**

An interpreter who has passed a valid and reliable certification exam administered by an independent entity.<sup>1</sup>

- **Deaf:**

Having total or partial hearing loss.

- **Deaf-Blind:**

Having a combination of hearing and vision loss.

- **Interpretation:**

Rendering a message orally, or in a signed language, from one language into another.<sup>2</sup>

- **Language Access Plan:**

A document that details how to provide services to individuals who are non-English speaking or do not use English as their primary language.<sup>3</sup>

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<sup>1</sup> <https://boostlingo.com/2019/10/17/interpreting-certifications-understanding-how-and-what-it-means-to-be-certified/>

<sup>2</sup>What is interpreting? The Community Interpreter®. <https://www.thecommunityinterpreter.com/what-is-interpreting>

<sup>3</sup>Guide to Developing a Language Access Plan, Center for Medicare and Medicaid Services. <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf>

- **LEP:\***

LEP stands for “limited English proficiency.” This a term commonly used to refer to those who do not speak English, or those who do not use English as their first language.

- **Meaningful Language Access:**

Language assistance that results in accurate, timely and effective communication at no cost to the individual.<sup>4</sup>

**Qualified Interpreter:**

Someone who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.<sup>5</sup>

- **Translation:**

Rendering a written text from one language to another in writing.<sup>6</sup>

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\*Some Vermont communication justice experts have identified the term “limited English proficiency” or “LEP” to be offensive, as it has a negative connotation. Whenever possible, this document aims to use other words to describe people who do not use English as their first language, with some exceptions for previously collected data terms.

<sup>4</sup> *Language Access Plan*, Vermont Judiciary. May 2021.

<https://www.vermontjudiciary.org/sites/default/files/documents/Language%20Access%20Plan%20Final.pdf>

<sup>5</sup> *Effective Communication*, U.S. Department of Justice Civil Rights Division. January 2014.

[https://www.ada.gov/effective-comm.htm#:~:text=A%20%E2%80%9Cqualified%E2%80%9D%20interpreter%20means%20someone,person\)%20using%20any%20necessary%20specialized](https://www.ada.gov/effective-comm.htm#:~:text=A%20%E2%80%9Cqualified%E2%80%9D%20interpreter%20means%20someone,person)%20using%20any%20necessary%20specialized)

<sup>6</sup>*What is interpreting?* The Community Interpreter®.

<https://www.thecommunityinterpreter.com/what-is-interpreting>

# Why Language Access Matters

## Legal Basis and Civil Rights Implications

[Title VI of the Civil Rights Act of 1964](#) states that “No person in the United States shall, on the grounds 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.” Language access has since been understood to be included in “national origin” in the Civil Rights Act. This means that no entity that receives federal financial assistance can deny or provide unequal services to people who do not use English as their first language. While the sub-grantees of the Center for Crime Victim Services (CCVS) are not always direct recipients of federal funding, the CCVS requires all sub-grantees to sign a binding Civil Rights Assurances document that requires each recipient to uphold all applicable federal and state statutes, including Title VI of the Civil Rights Act of 1964.

In 1974, the Supreme Court of the United States decided in [Lau v. Nichols](#) that if a school that receives federal funding does not provide meaningful language access for students who do not speak English, the school has violated Title VI of the Civil Rights Act. More plainly, SCOTUS decided that federally funded schools must provide meaningful language access for all students who do not use English as their first language. [Executive Order 13166](#) expanded this decision beyond schools and applied it to all federal agencies. The Order, “Improving Access to Services for Persons with Limited English Proficiency,” requires federal agencies to ensure that each person, regardless of the language they speak, receives equal and meaningful access to services.

The [Americans with Disabilities Act](#) requires that state and local governments as well as public-serving businesses and nonprofits ensure [effective communication](#) for people with communication disabilities. This protects the language access rights of those who use American Sign Language. The CCVS Civil Rights Assurances document requires sub-grantees to follow [Title II](#) of the ADA which applies to state and local government agencies.

### Language Access in Crime Victim Services

It is especially important for crime victim service providers to provide meaningful language access to the populations they serve. A crime victim or survivor should not have to undergo any further hardship because he or she does not speak English. Furthermore, studies have shown that people who are deaf or hard of hearing and people who do not use English as their first language are at higher risk of victimization; therefore, crime victim service providers should always be prepared to serve these populations.<sup>7</sup> Members of the Deaf community experience heightened rates of domestic and sexual violence, and people who don't use English as their first language are more likely to be victims of robbery, theft, and assault. Nationally, greater than 70% of deaf people have experienced physical assault, and more than 40% of Deaf men and 50% of deaf women have experienced sexual assault.<sup>8</sup> While these are national statistics, they help illustrate the risks and realities these individuals face in Vermont.

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<sup>7</sup>*Rethinking Language Access: A Comprehensive Approach to Serving Deaf Victims and Victims with Limited English Proficiency (LEP)*. The National Resource Center for Reaching Victims. 2019. <http://reachingvictims.org/wp-content/uploads/2019/09/Formatted-findings-memo-2.pdf>

<sup>8</sup>*Rethinking Language Access: A Comprehensive Approach to Serving Deaf Victims and Victims with Limited English Proficiency (LEP)*. The National Resource Center for Reaching Victims. 2019. <http://reachingvictims.org/wp-content/uploads/2019/09/Formatted-findings-memo-2.pdf>



In addition to language access difficulty, immigrants, refugees, and others who do not use English as their first language face cultural barriers. Individuals who come from different communities may have different perceptions of what is safe in the United States, and it has been argued that this could cause them to be more susceptible to victimization. This would be, of course, no fault of their own, but rather another challenge these individuals must face in adjusting to living in the United States. For example, new Americans have left their doors open and invited in strangers because it was customary where they previously lived. While this practice may have been safe in their previous community, practices like that could jeopardize their safety in the United States. The heightened rates of victimization can be further explained by crime perpetrators taking advantage of people who don't use English as their first language (including members of the Deaf community) because they expect that they will not be willing or able to effectively communicate the crime to authorities. That is even more reason for crime victim services to expand accessibility to every person that they serve.

According to a national survey, most victim service providers do not have language access plans that account for both 1) people who do not use English as their first language, and 2) Deaf/Hard of Hearing/Deaf-Blind individuals.<sup>9</sup> A language access plan is a “management tool that provides an administrative blueprint for bringing the agency into compliance with language access requirements.”<sup>10</sup> This survey also revealed that a lack of

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<sup>9</sup>*Rethinking Language Access: A Comprehensive Approach to Serving Deaf Victims and Victims with Limited English Proficiency (LEP)*, The National Resource Center for Reaching Victims. 2019. <http://reachingvictims.org/wp-content/uploads/2019/09/Formatted-findings-memo-2.pdf>

<sup>10</sup> *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice. May 2011.

adequate funding is the greatest obstacle to ensuring meaningful language access. As such, language access funding should be included in the victim services' budgets to achieve victim service provisions that do not discriminate based on one's preferred language.

## Center for Crime Victim Services Survey

To inform this document, we sent out a survey to the Center for Crime Victim Services' mailing list to better understand where crime victim service providers stand with communication justice provisions. We received 31 responses from service providers that vary by county, service type, and the amount of people served each year (from 25 to 5000). This section will summarize and analyze these survey results.

An important finding was that no service provider responded that they have had to turn away a client because they do not use English as their primary language. Most (52%) of respondents use LanguageLine Solutions® or another telephonic interpreting service to provide language access services to their clients. 22% use a combination of in-person and telephonic interpretation, and 10% use only in-person interpretation services. Service providers do, however, face difficulties in offering meaningful language access. The survey asked respondents to identify the primary challenges they face in providing language access to their clients. The top responses were the cost of services, a lack of interpreters, and difficulty maintaining confidentiality.

The survey results underscored the importance of meaningful language access in crime victim services. 78% of respondents answered that the services rendered by the

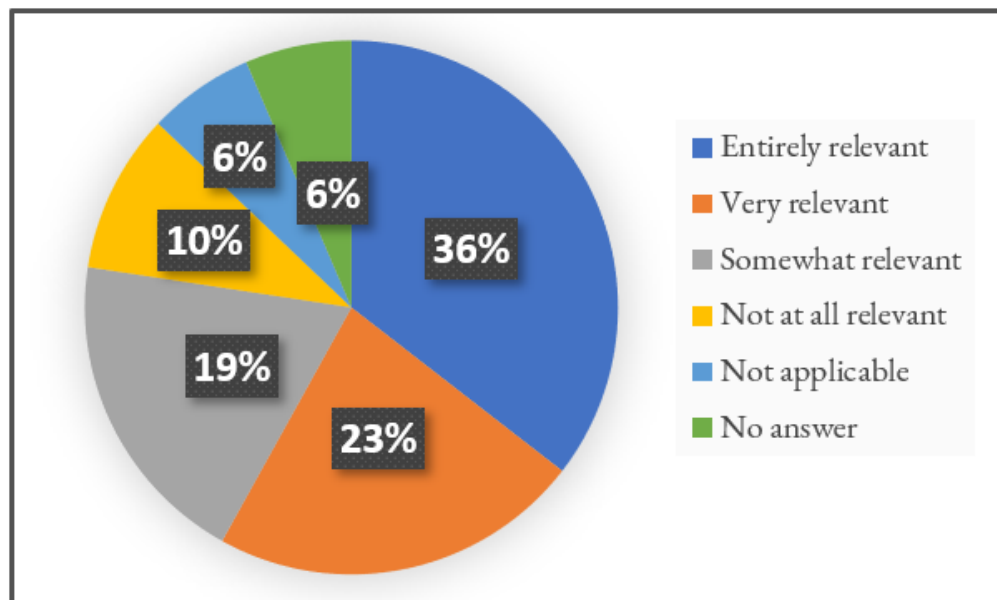
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[https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

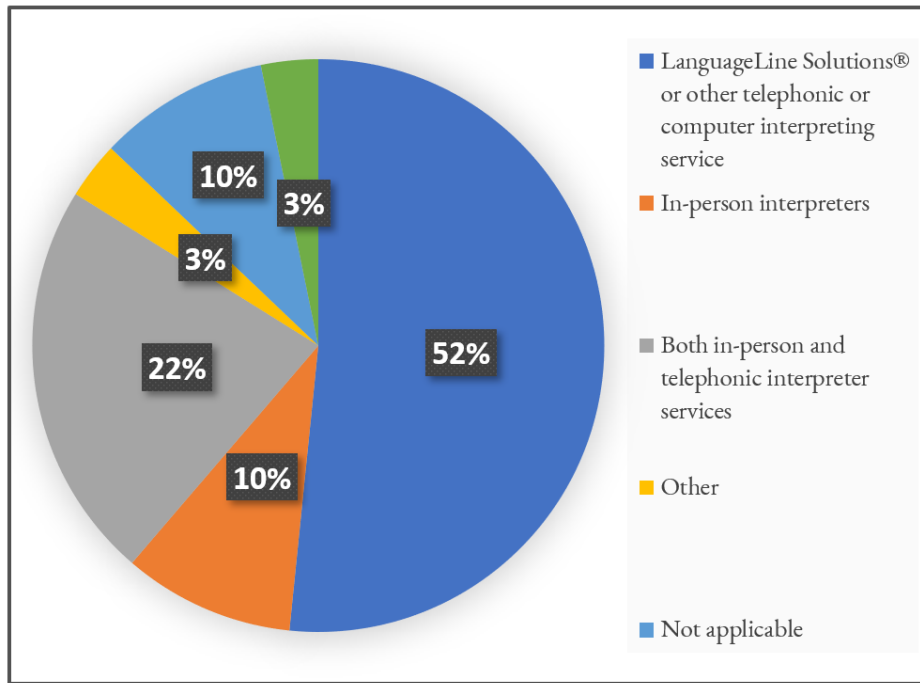
agency are at least “somewhat relevant” to the client’s livelihood or his or her rights, privileges, or duties. It is clear from these responses that the stakes are high in crime victim services, which means that service providers must be able to communicate effectively with their clients and have ready-to-use language access services. However, 68% of respondents have not developed language access plans. Please visit the section of this document entitled “Language Access Plans” to learn more about why they are important and how service providers can use them to improve language access. One component of a good language access plan is instructions for data collection, which is incredibly important as only 26% of respondents track data on those who do not use English as their first language. Data collection is essential to properly planning and budgeting for language access services.

### Survey Results

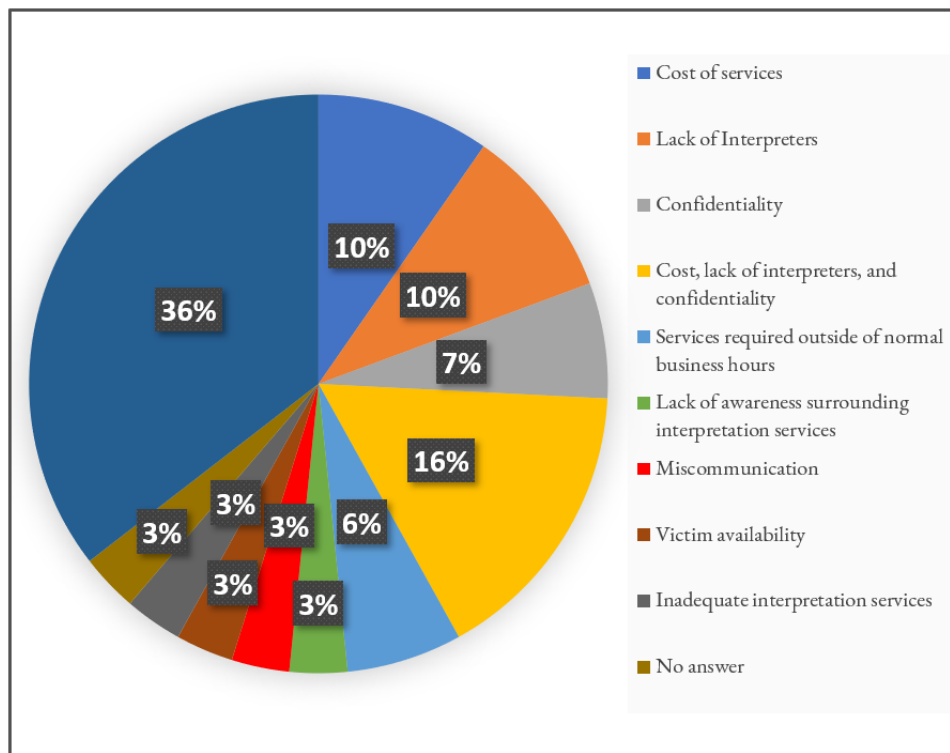
What is the extent that information or services rendered by your agency constitute lifesaving services or information that may affect an individual’s legal rights, privileges, or duties?



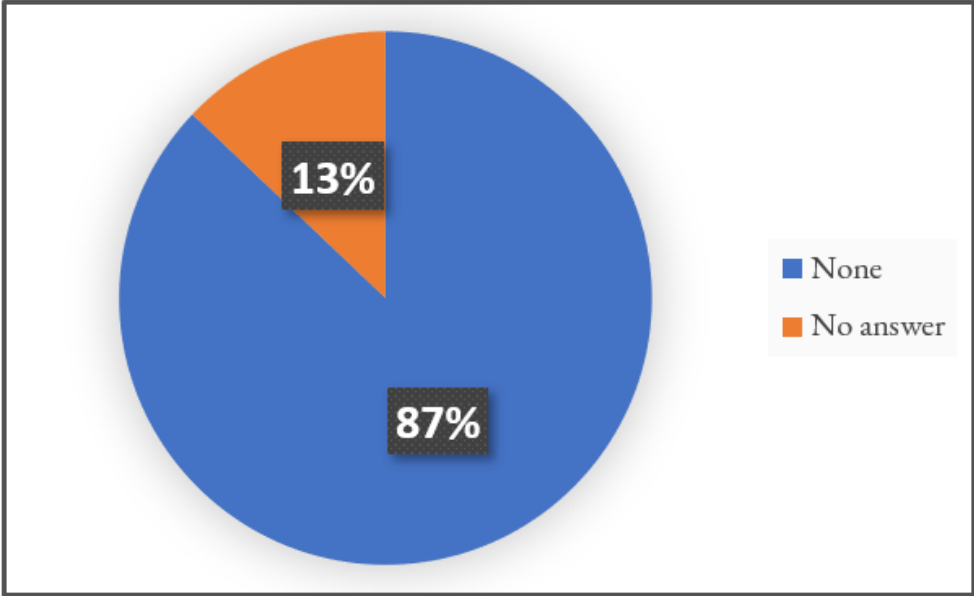
What resources do you currently use to provide language access to your client?



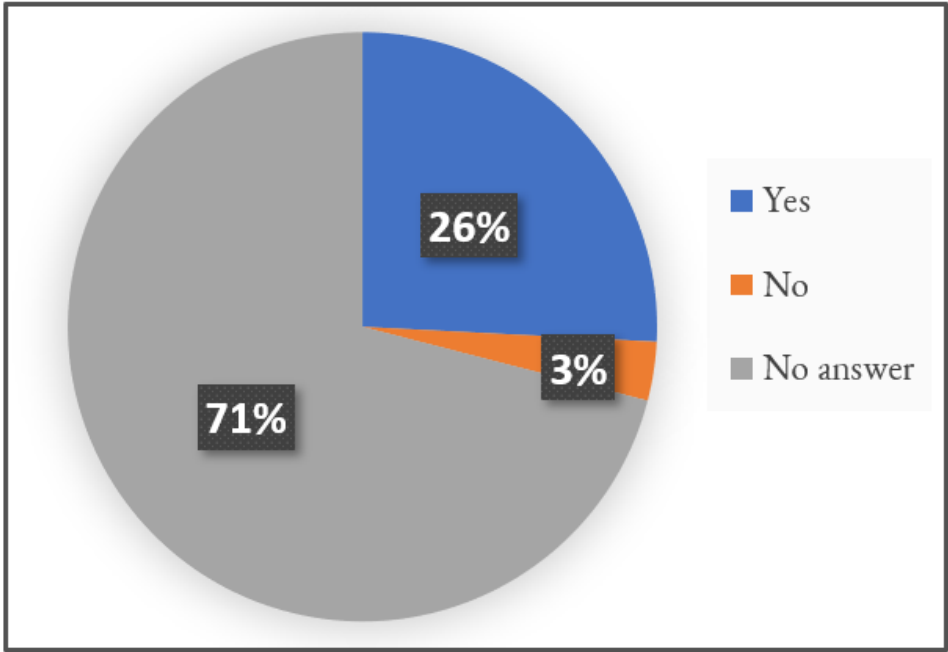
What challenges does your program face in providing language access to clients?



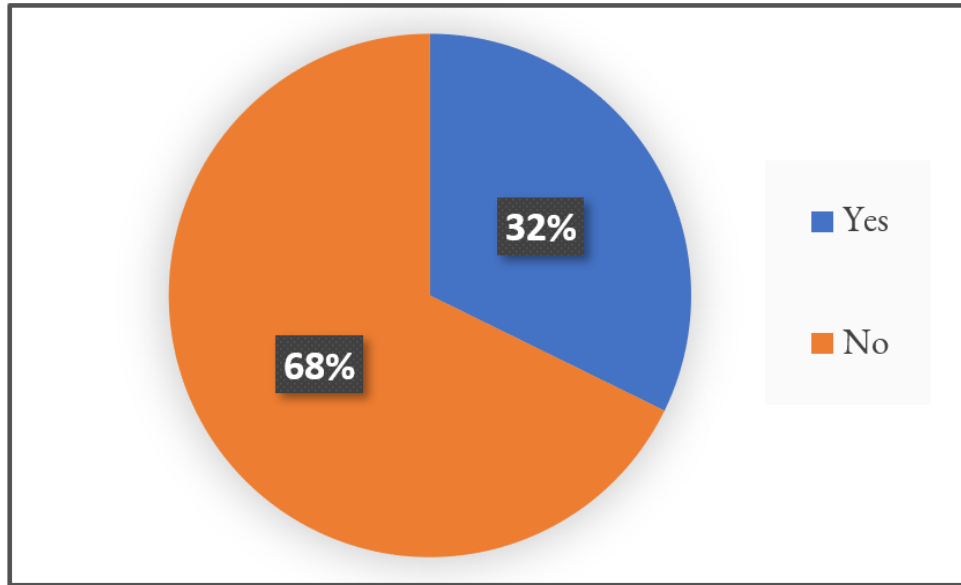
How many times in the past year has your program had to turn people away due to a lack of resources for language/communication access?



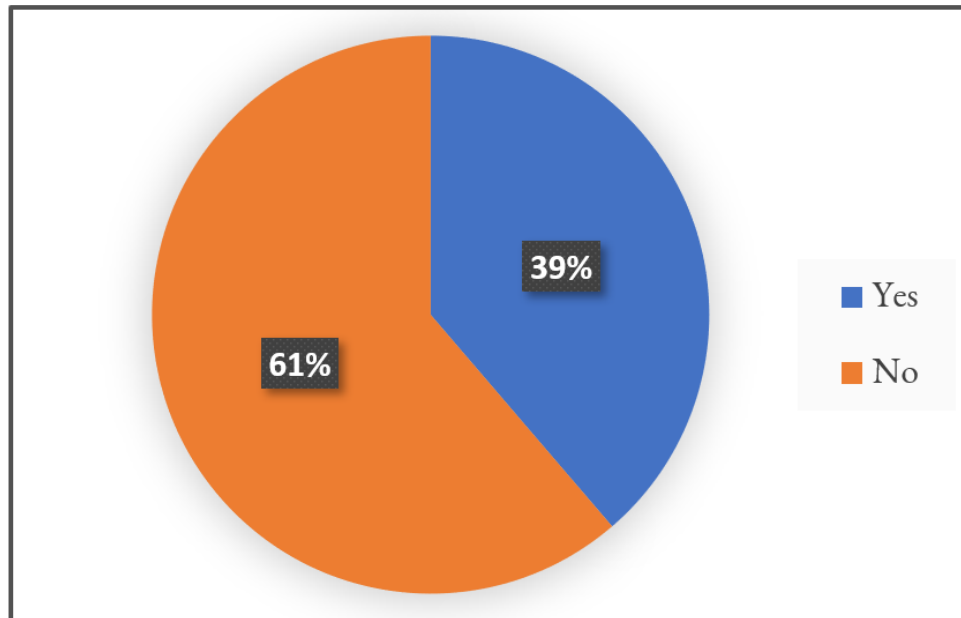
Does your program track data on clients who do not speak English?



Has your program developed a language access plan?

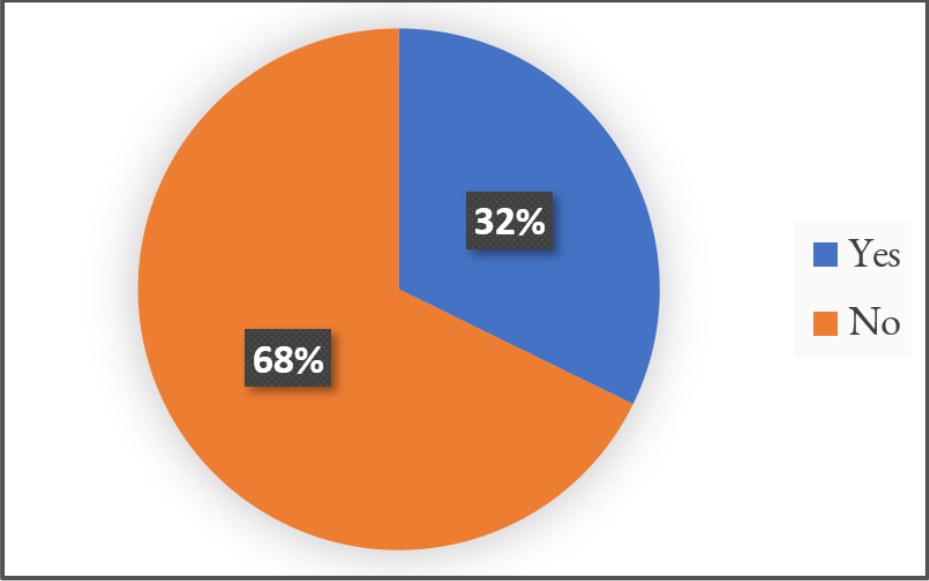


Does your program employ any bilingual individuals (including fluency in ASL)?<sup>11</sup>

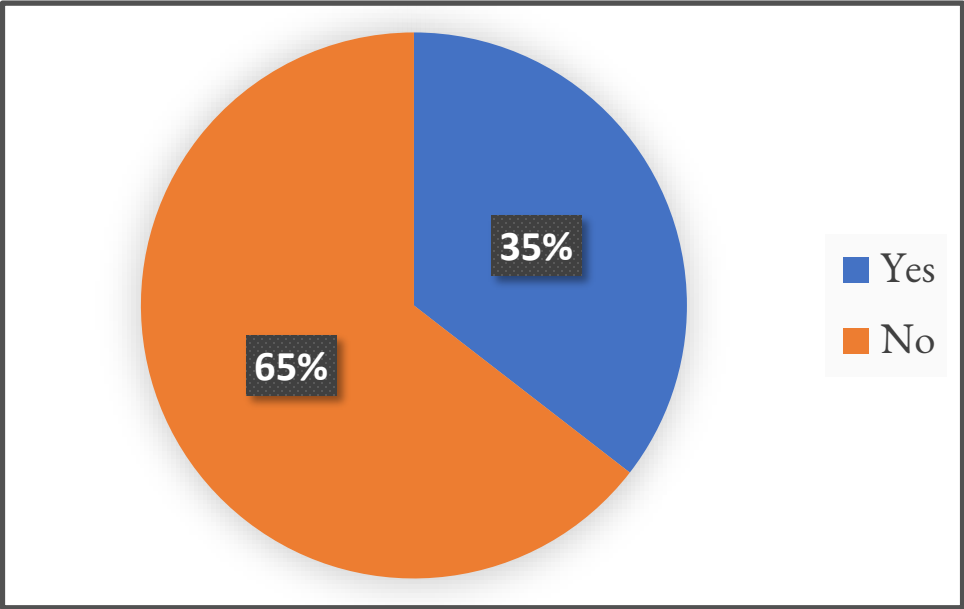


<sup>11</sup>For those who answered “yes,” they provided the language their employees speak. These included ASL, Mandarin, Croatian, French, Swahili, various Bantu languages, Spanish, Fulani/Pulaar, Mandinka, Wollof, and Sarahule.

Does your program employ outreach activities to increase access to services by non-English-speaking communities/individuals in your service area?<sup>12</sup>



Has your program identified methods of communicating life safety information materials to non-English-speaking Vermonters?



<sup>12</sup>Some of the respondents who answered “no” to this question offered explanations including limited staff, insufficient funding, and an absence of a clear target population.

Additional thoughts from respondents:

- Praise for the Association of Africans Living in Vermont (AALV) for their language services.
- Desire for readily accessible information on how to access interpretation and translation services prior to a potential need.
- Gratitude for available interpretation and translation, but they have rarely had to use them.
- Chittenden County respondent expressed that they are very lucky to have access to interpreters. However, when they are serving someone who is part of a very small community that speaks a specific language, the client often does not want an interpreter because they will know that person, which creates a confidentiality conflict. This organization has used LanguageLine Solutions® and finds it to be a helpful resource for things like scheduling appointments, but it is not as useful when trying to have a real conversation.

## Challenges Facing Language Justice in Vermont

### There Are Not Enough Interpreters

There are not enough interpreters and translators in Vermont. It is difficult for local interpretation services to employ enough interpreters because they are typically on-call and cannot earn enough money to make a living on interpretation alone. As such, many are dissuaded from pursuing a career in interpretation. Interpretation providers such as the U.S. Committee for Refugees and Immigrants Vermont ([USCRIVT](#)) pay their interpreters as much as they can, but the interpreters often must have other part-time jobs, which can make it difficult to be on-call. It can be especially challenging for interpreters of languages of lesser diffusion to make a living. Because there is a lack of interpreters, many service providers have decided to look out of state for remote interpretation and translation services. While this allows for speedy language access, it deepens the problem of not having enough



interpreters in Vermont, as the desire for them will decrease with a continued reliance on out-of-state services.

In the pre-COVID era, an inadequate number of interpreters in Vermont was damaging to a victim's interest in speedy prosecution and the defendant's right to a speedy trial. In some instances, proceedings were delayed months, if not years. A bright spot of COVID was that interpreters could appear remotely, so it expanded the pool of interpreters to those outside Vermont, making interpretation and translation more readily accessible. However, in-person interpretation is almost always\* most effective in providing meaningful language access, which is why Vermont must grow its pool of interpreters to decrease its reliance on out of state services. One way to do this is by creating an in-state certification program for interpreters and translators. With a clear-cut route to becoming an interpreter/translator, there will be more interest and, consequently, more Vermont-based interpreters.

### There is Not Enough Funding

Interpretation and translation services are constantly looking for more funding so that they can pay their interpreters well enough to incentivize them to keep working. Several language justice experts in Vermont have identified paying interpreters a livable wage as one of the most important steps to improve language access.

There is a misconception that any bilingual person can perform interpretation or translation services. Consequently, many agencies and service providers do not budget properly for language access. There must be funding specific to language access set aside in yearly budgets. The federal and state government must also provide more funding to truly

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\* Exceptions discussed on page 47.

commit to language access. However, a lack of funding does not relieve agencies of their legal responsibility under the Civil Rights Act and the Americans with Disabilities Act to provide meaningful language access to those who don't use English as their first language. Thus, agencies should plan to include language access in their budget whenever fiscally possible.<sup>13</sup>

### There is Not Enough Data Collection

A primary struggle that many Vermont communication justice experts lament is a lack of data on the languages spoken in Vermont, where the languages are spoken, the amount of people that speak each language, and the like. Insufficient data makes it difficult for agencies and service providers to budget accurately for language access because they do not have the information to correctly serve their respective populations. This resource document is a partial effort to combat the data desert. However, as part of their language access plans, individual agencies should plan to collect data on the populations they serve and the languages they speak, so that they may continue to adapt and expand language access to their community.

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<sup>13</sup> *Vermont Practice Advisory: Language Access Rights and Remedies for People with Limited English Proficiency*, Vermont Law School. February 2021. [https://www.vermontlaw.edu/sites/default/files/2021-03/2021-0224%20Final%20Practice%20Advisory%20on%20Language%20Access\\_VLS%20logo.pdf](https://www.vermontlaw.edu/sites/default/files/2021-03/2021-0224%20Final%20Practice%20Advisory%20on%20Language%20Access_VLS%20logo.pdf)

# The Language Landscape in Vermont

## Quick Facts

- In 2019, the Vermont Judiciary offered interpretation services in 30 languages. The languages most frequently requiring interpretation services were Nepali, Somali/Mai-Mai, Spanish, Vietnamese, French, Arabic, Swahili, Mandarin, Bosnian, Russian, and Haitian Creole.<sup>14</sup>
- Refugees come to Vermont primarily from Afghanistan, Bhutan, Bosnia, Burma, Burundi, Congo Brazzaville, Democratic Republic of Congo, Iraq, Kosovo, Sudan, Somalia, Syria, and Vietnam.<sup>15</sup>
- In 2020, Vermont had approximately 33,088 people over the age of 5 that speak a language other than English, making up 5.6% of the population over 5 years old.<sup>16</sup>
- In 2020, Vermont had approximately 8,334 Vermonters over 5 years old that speak English “less than very well,” making up 1.4% of the total population over 5 years old.<sup>17</sup>
- 17% of the Vermont population suffers from hearing loss.<sup>18</sup>
- There are roughly 400 members of the Deaf community living in Vermont.<sup>19</sup>

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<sup>14</sup>*Language Access Plan*, Vermont Judiciary. May 2021.

<https://www.vermontjudiciary.org/sites/default/files/documents/Language%20Access%20Plan%20Final.pdf>

<sup>15</sup> <https://refugees.org/uscri-vermont/>

<sup>16</sup> <https://data.census.gov/cedsci/table?q=DPO2#>

<sup>17</sup> <https://data.census.gov/cedsci/table?q=DPO2#>

<sup>18</sup> *A Report of the Vermont Deaf, Hard of Hearing and Deaf/Blind Advisory Council*, Vermont Agency of Human Services, Department of Disabilities, Aging, and Independent Living. January 2019.

[https://www.healthvermont.gov/sites/default/files/documents/pdf/DHHDB%20Advisory%20Report\\_2018\\_Submitted.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/DHHDB%20Advisory%20Report_2018_Submitted.pdf)

<sup>19</sup> Estimate by Rebecca Lalanne, Director of Deaf Vermonters Advocacy Services.

## Vermont Data

<i>County</i>	<i>Total Population</i>	<i>Foreign Born Population</i>	<i>Population 5 Years+</i>	<i>Population 5+ that Only Speaks English</i>	<i>Population 5+ that Speaks a Language Other Than English</i>	<i>% That Speaks a Language Other than English</i>	<i>Population that Speaks English "Less Than Very Well"</i>	<i>% That Speaks English "Less Than Very Well"</i>
Vermont (total)	624,340	28,468	595,302	562,214	33,088	94.4%	8,334	1.4%
Addison	36,947	1,807	35,401	33,251	2,150	6.1%	348	1.0%
Bennington	35,649	1,023	33,962	32,507	1,455	4.3%	160	0.5%
Caledonia	30,027	653	28,684	27,619	1,065	3.7%	156	0.5%
Chittenden	163,414	14,255	155,865	141,412	14,453	9.3%	5,240	3.4%
Essex	6,179	168	5,920	5,484	436	7.4%	44	0.7%
Franklin	49,275	1,294	46,408	44,767	1,641	3.5%	287	0.6%
Grand Isle	7,075	294	6,780	6,436	344	5.1%	81	1.2%
Lamoille	25,376	847	24,107	23,259	848	3.5%	116	0.5%
Orange	28,873	556	27,536	26,688	848	3.1%	122	0.4%
Orleans	26,843	1,060	25,542	24,206	1,336	5.2%	237	0.9%
Rutland	58,527	1,388	55,968	53,565	2,403	4.3%	429	0.8%
Washington	58,336	1,654	55,642	53,430	2,212	4.0%	425	0.8%
Windham	42,628	1,366	40,700	39,144	1,566	3.8%	315	0.8%
Windsor	55,191	2,103	52,787	50,446	2,341	4.4%	374	0.7%

## Languages Spoken by English Learning Students Statewide in 2021<sup>20</sup>

Language	Student Count
Arabic	85
Bosnian	52
Burmese	15
Chinese	66
Chinook Jargon	12
Creoles and pidgins, English-based	15
Cushitic Languages	123
French	92
Gujarati	17
Hindi	14
Karen Languages	34
Nepali	361
Portuguese	20
Romanian; Moldavian; Moldovan	21
Rundi	27
Russian	27
Somali	107
Spanish; Castilian	173
Swahili	163
Telugu	23
Tagalog	17
Thai	14
Vietnamese	72

<sup>20</sup> Data collected by the Vermont Agency of Education. This list is not comprehensive, as some language data has been suppressed to comply with the FERPA (Family Educational Rights and Privacy Act).

## Languages Spoken by English Learning Students by School District in 2021<sup>21</sup>

School District	Language	Student Count
Addison Central	Spanish; Castilian	11
Colchester	Vietnamese	11
Colchester	French	17
Colchester	Nepali	20
Burlington	Nepali	154
Burlington	Somali	48
Burlington	Swahili	80
Burlington	Vietnamese	32
Burlington	Arabic	25
Burlington	Bosnian	14
Burlington	Cushitic Languages	64
Burlington	French	29
Burlington	Karen Languages	15
South Burlington	Nepali	17
South Burlington	Somali	14
South Burlington	Spanish; Castilian	16
South Burlington	Arabic	16
South Burlington	Chinese	12
South Burlington	Cushitic Languages	12
South Burlington	French	16
Winooski	Swahili	63
Winooski	Somali	36
Winooski	Nepali	90
Winooski	Cushitic Languages	31
Essex Westford	Cushitic Languages	13
Essex Westford	Nepali	62
Essex Westford	Vietnamese	15
Montpelier Roxbury	Telugu	14

<sup>21</sup> Data collected by the Vermont Agency of Education. This list is not comprehensive, as some language data has been suppressed to comply with the FERPA (Family Educational Rights and Privacy Act).

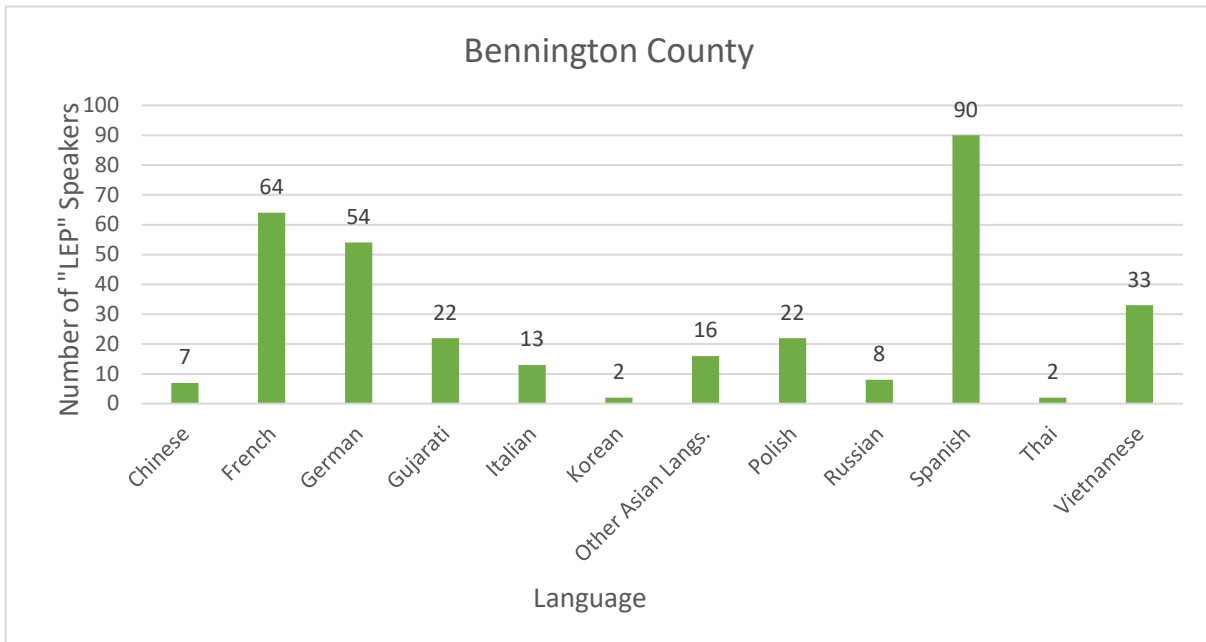
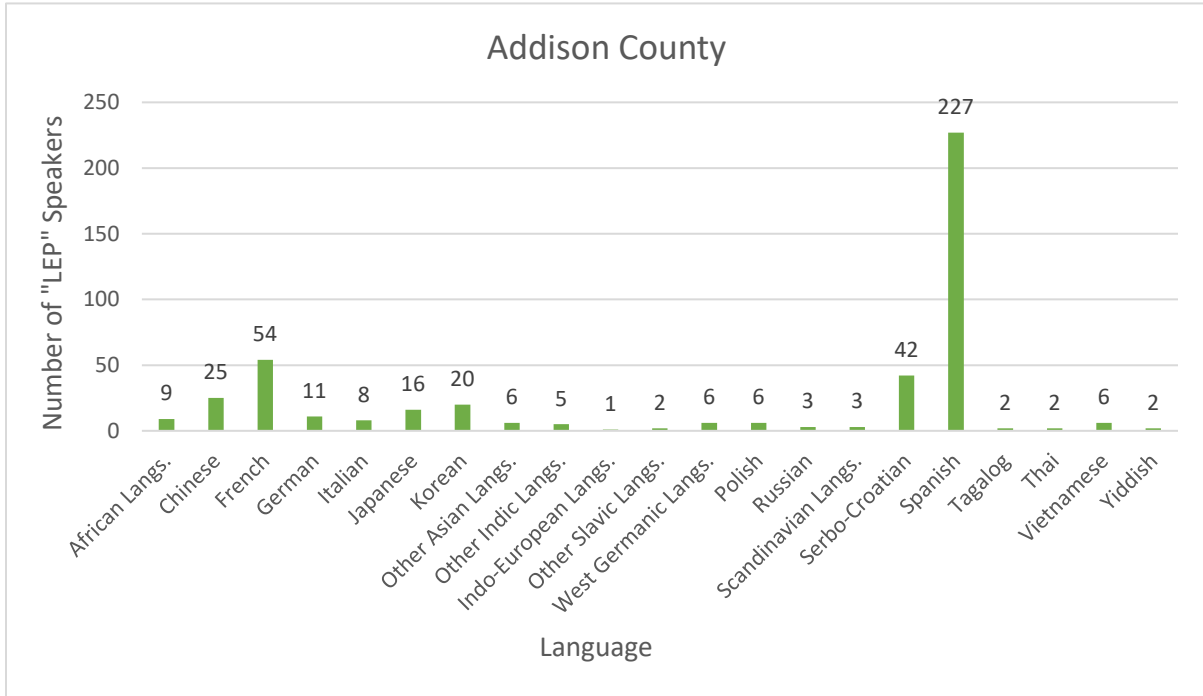
## Percent “LEP” of Total Population by County<sup>22</sup>

County	Percent “LEP”
Addison	1.296%
Bennington	0.951%
Caledonia	0.677%
Chittenden	3.120%
Essex	2.818%
Franklin	0.855%
Grand Isle	0.509%
Lamoille	0.889%
Orange	0.552%
Orleans	1.296%
Rutland	0.984%
Washington	0.720%
Windham	0.875%
Windsor	0.850%

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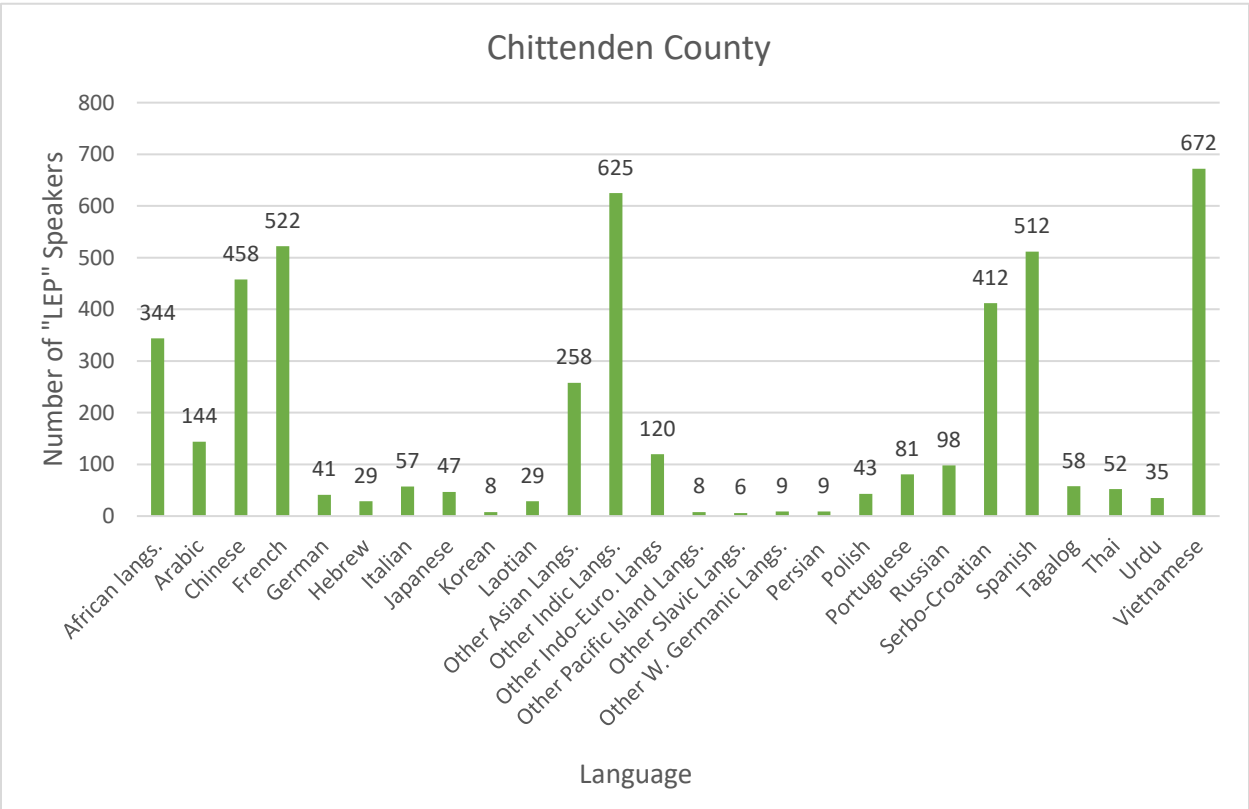
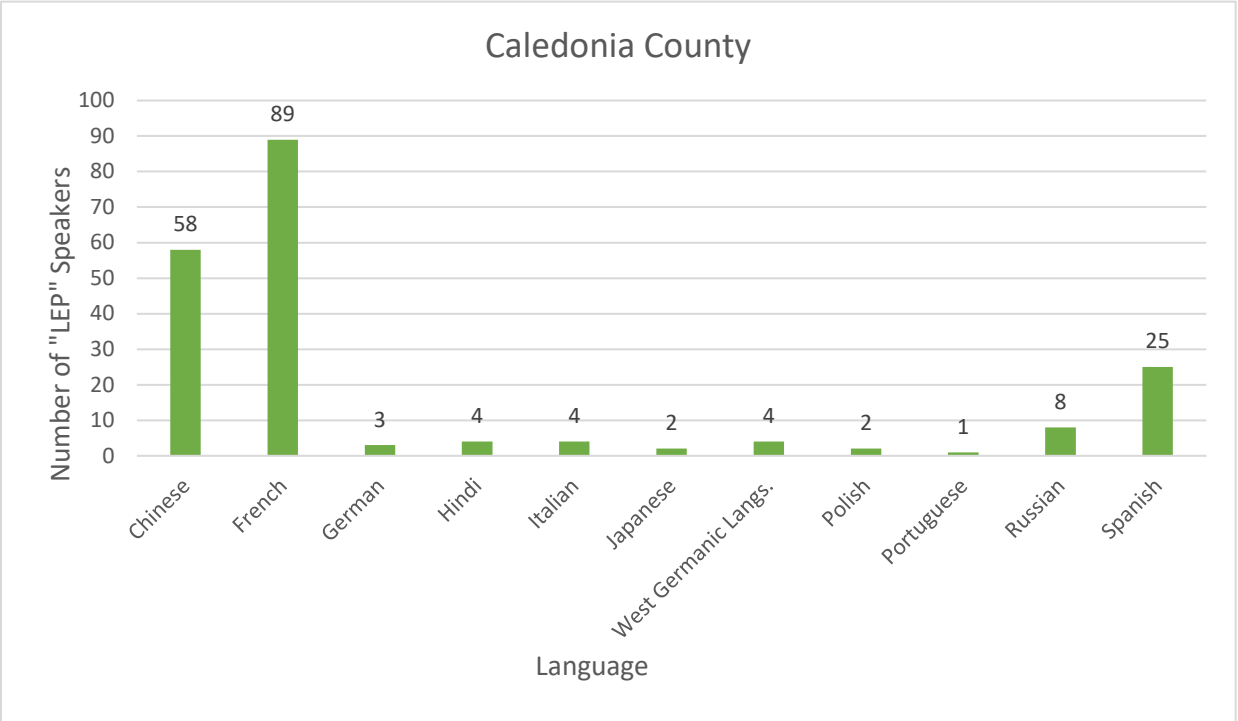
<sup>22</sup> Data sourced from 2015 Language Map App, U.S. Department of Justice, Civil Rights Division.  
[https://www.lep.gov/maps/lma2015/Final\\_508](https://www.lep.gov/maps/lma2015/Final_508)

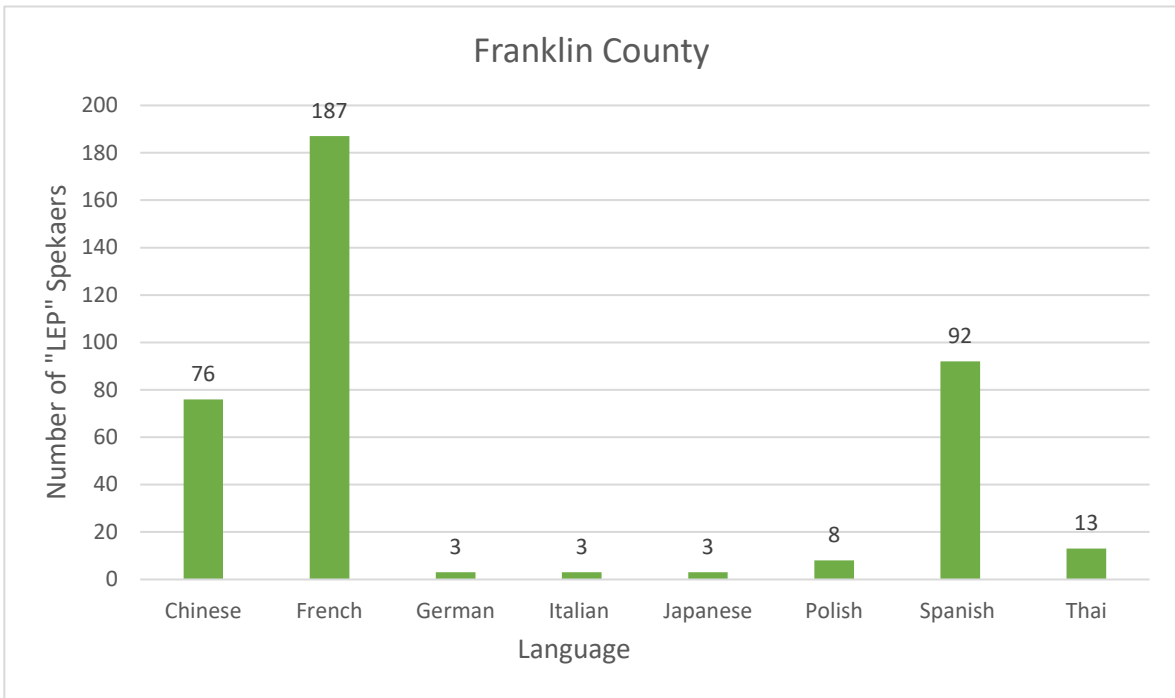
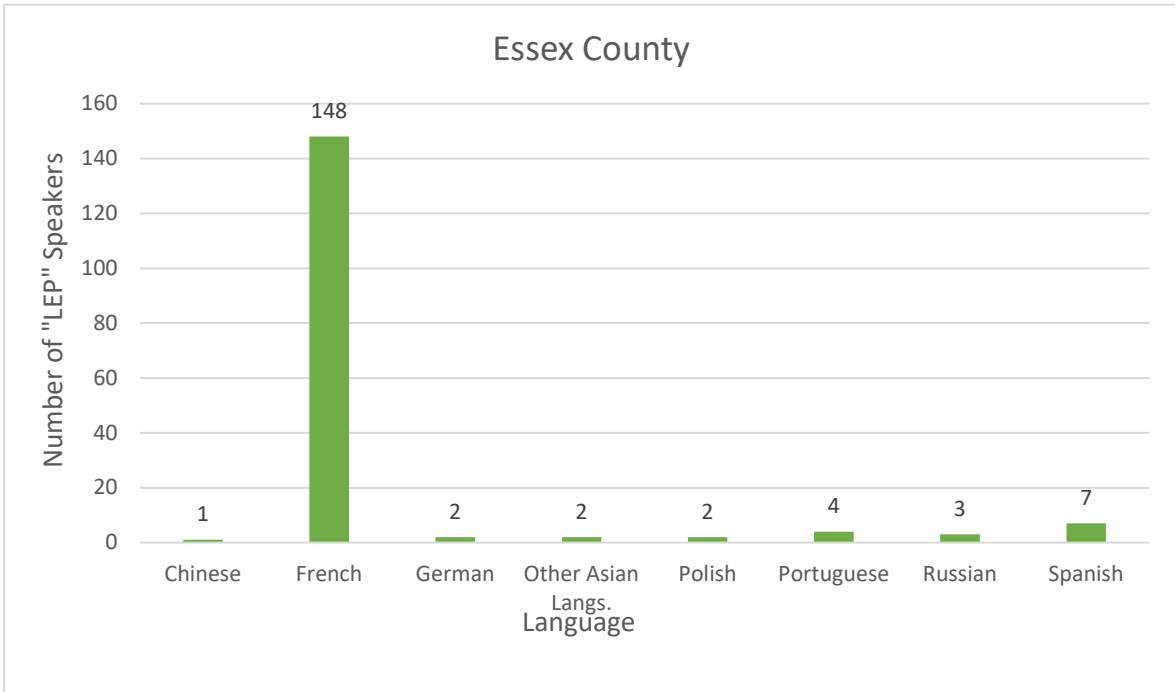
2015 Data by County: Those Who Speak English “Less than Very Well” <sup>23</sup>

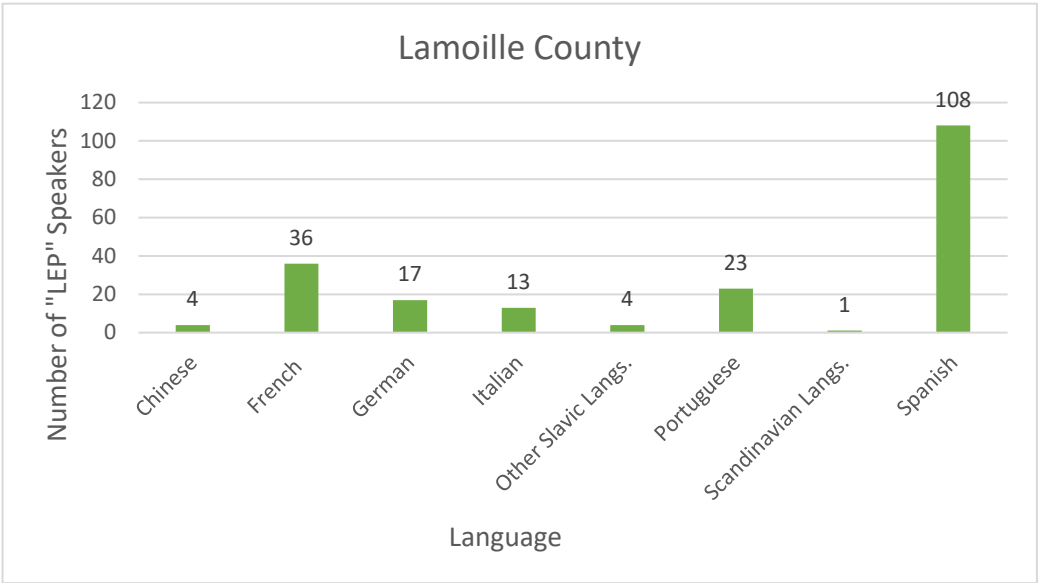
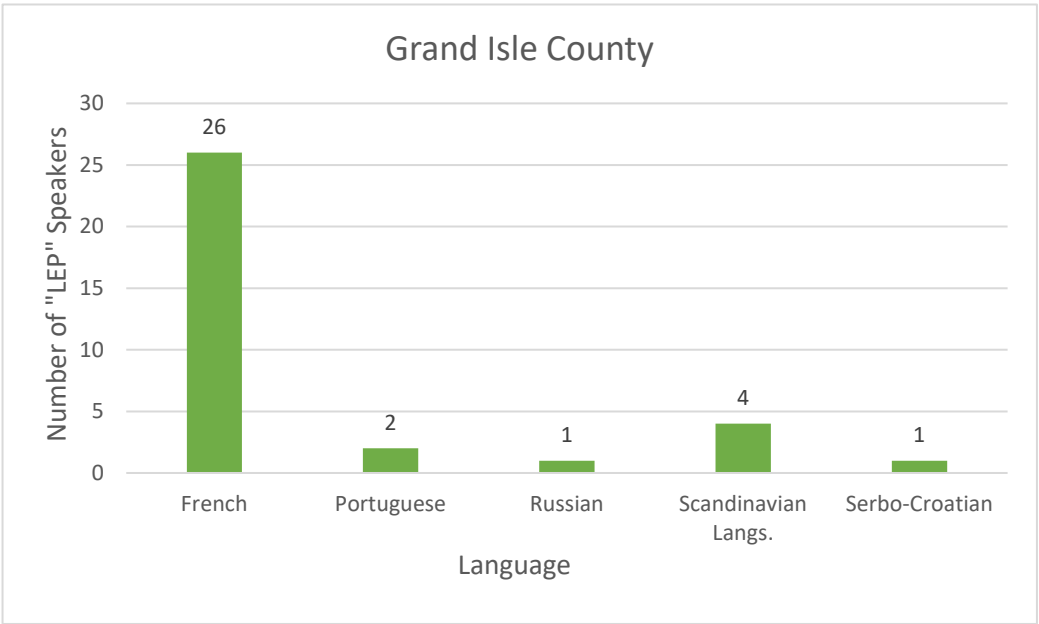


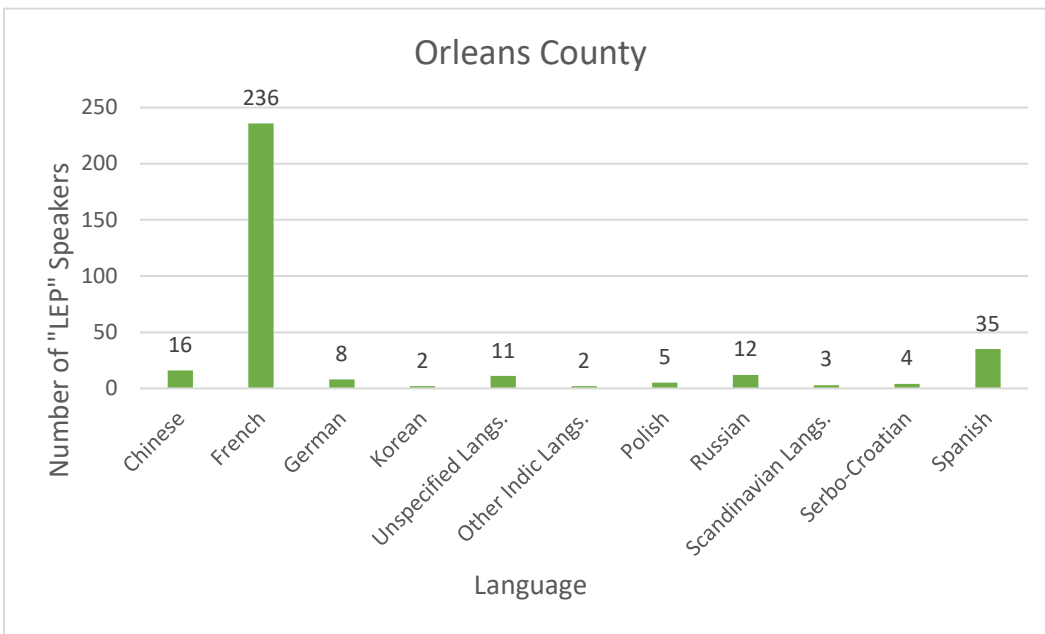
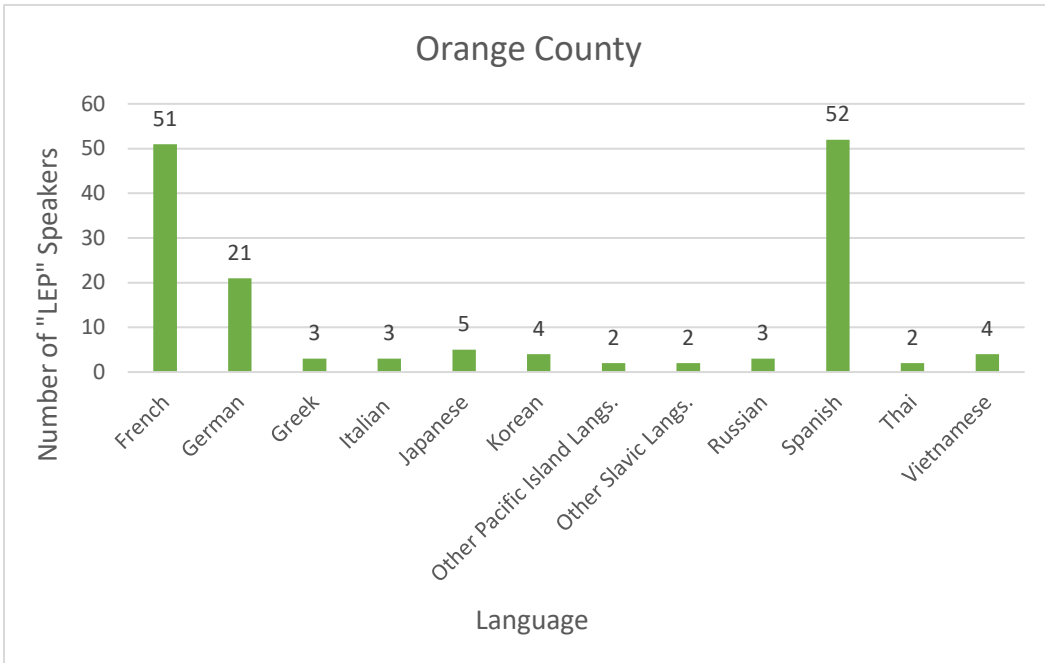
<sup>23</sup> Data sourced from 2015 Language Map App, U.S. Department of Justice, Civil Rights Division. [https://www.lep.gov/maps/Ima2015/Final\\_508](https://www.lep.gov/maps/Ima2015/Final_508)

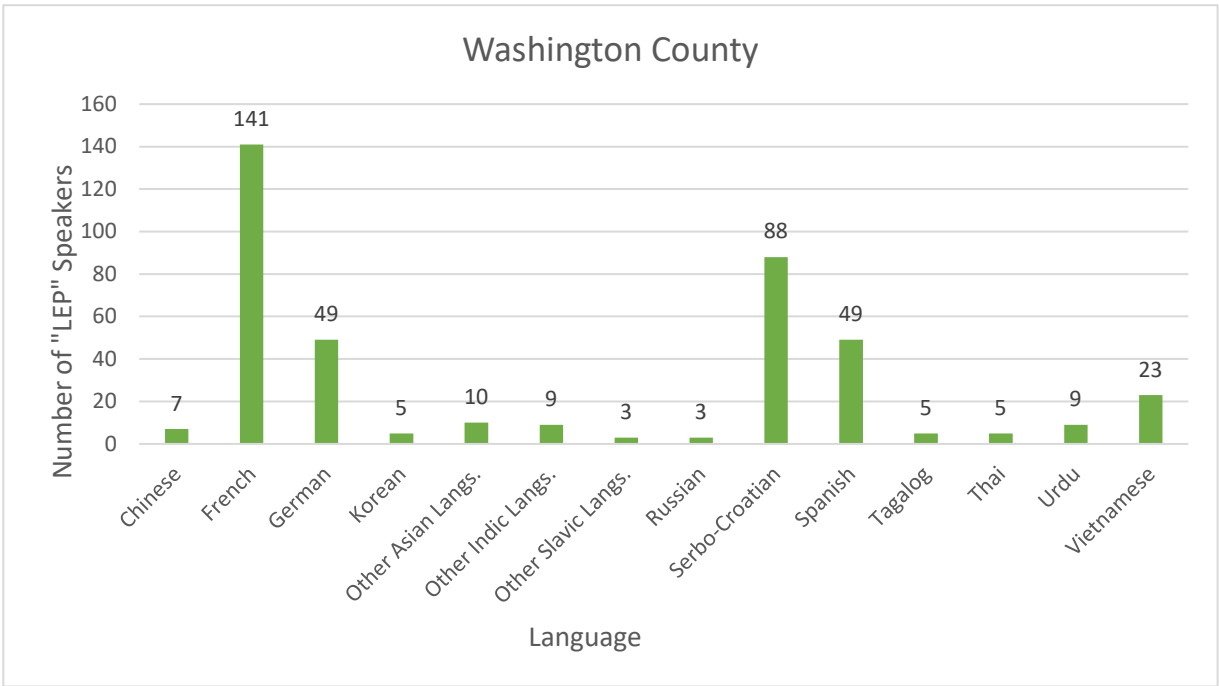
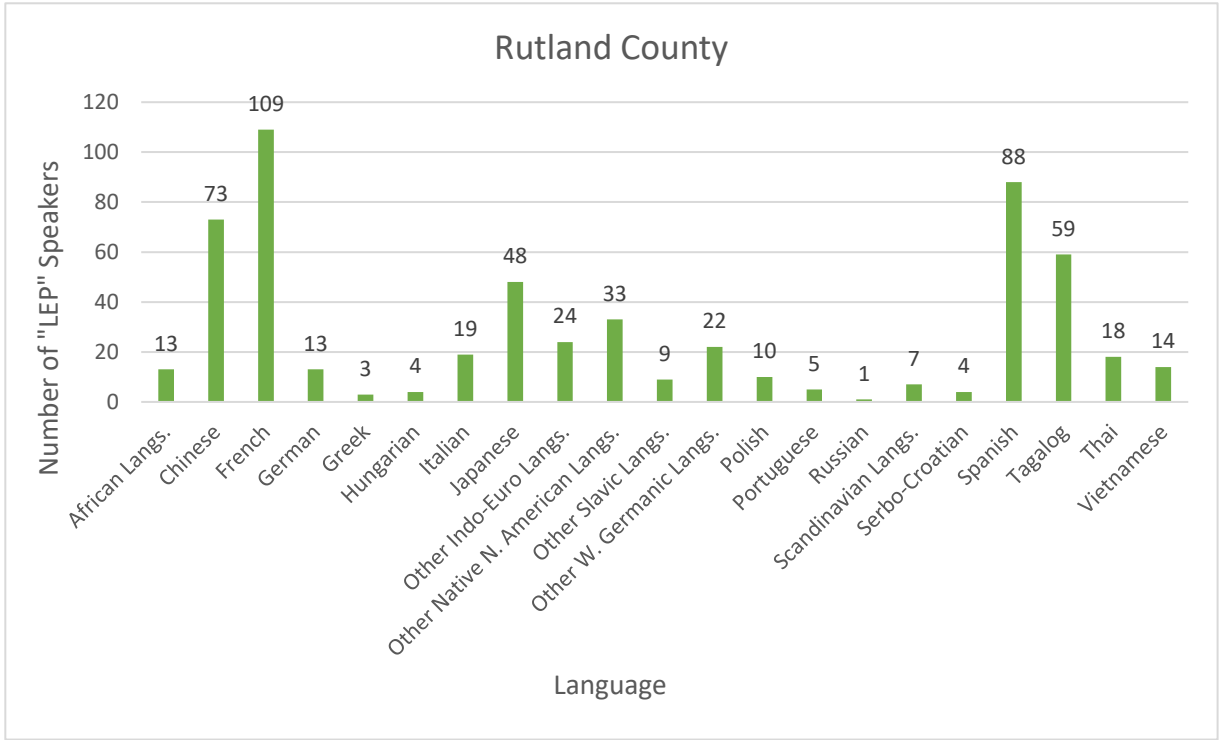


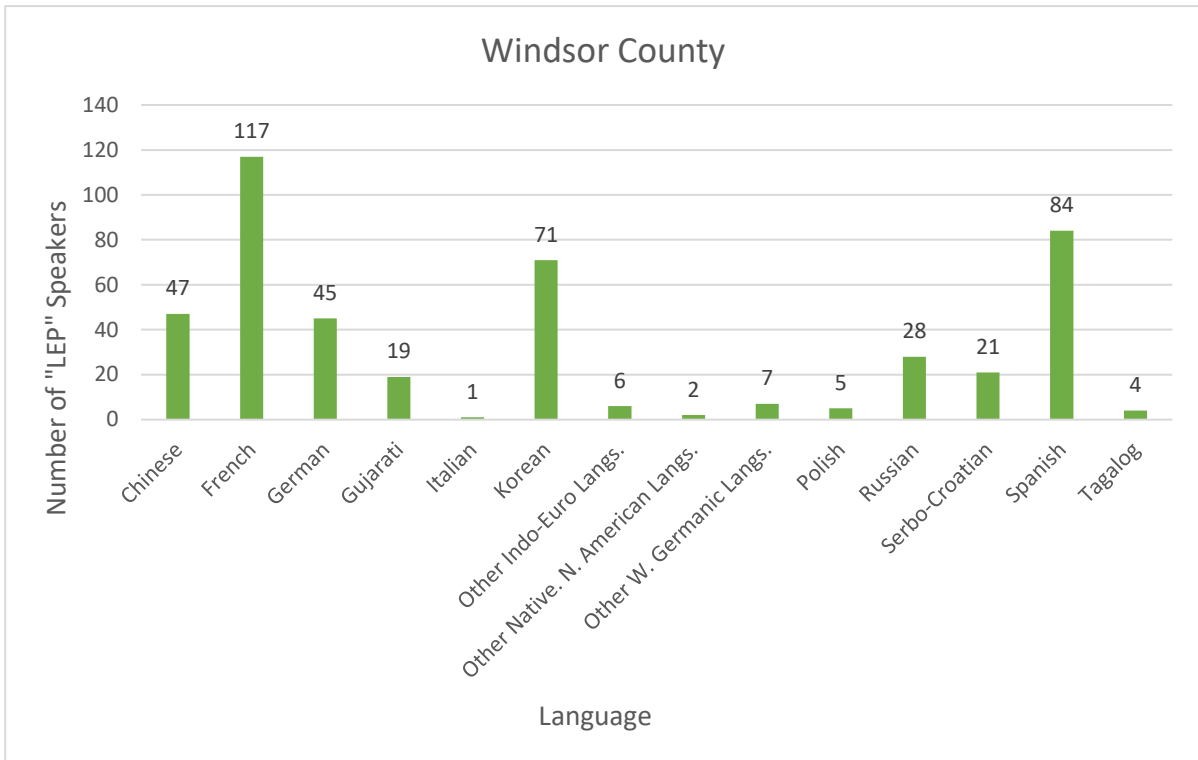
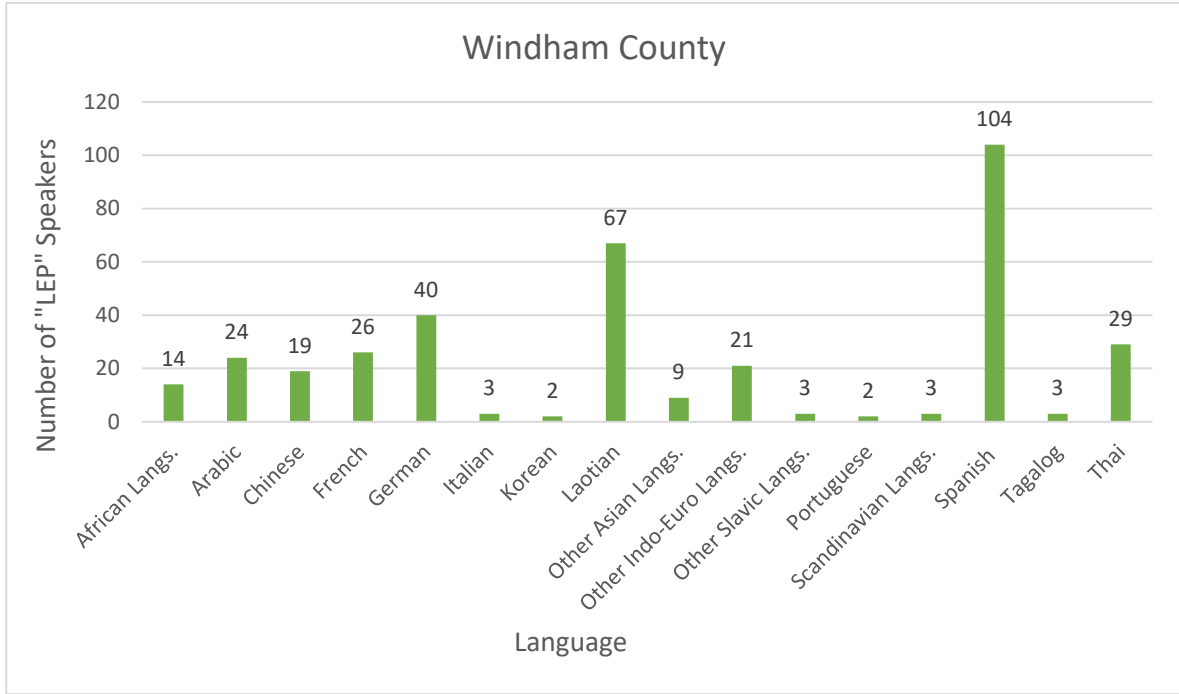












## USCRIVT Data

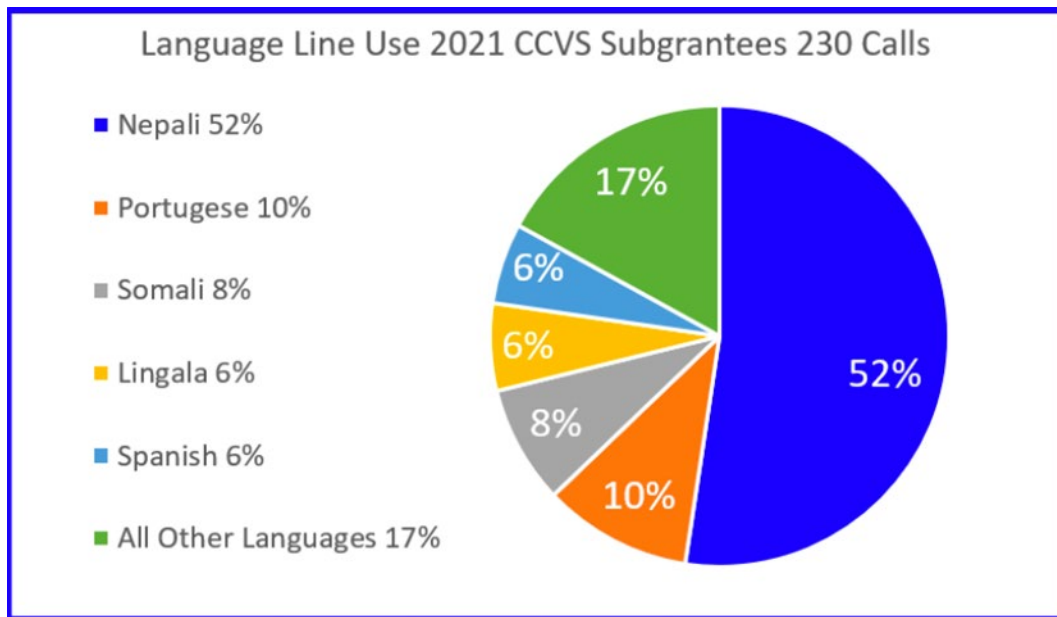
The following table conveys the languages spoken by clients served by the United States Committee for Refugees and Migrants from October 1<sup>st</sup>, 2006. through August 22<sup>nd</sup>, 2022,

Primary Language	Count of Speakers
Nepali	2222
Somali	489
Swahili	382
Arabic	313
Burmese	194
Kirundi	124
Pashto	112
Sgaw Karen	83
Mai-Mai	72
French	63
Lingala	52
Dari	62
Chin	32
Kinyarwanda	29
Turkish	28
Karen	25
Spanish	15
Kinyabwisha	14
Ukrainian	14
Russian	13
Romanian	12
Kurdish	8
Russian	8
Kibembe	7
Maban	7
Nuba	7
Kignada	6
Lai-Chin	5
Chinese	4
Dinka	4
Chaldean	3
Farsi	3
Kinyamulenge	3
Bembe	2
Moldavian	2

Tavoyan	2
Zophei	2
Amharic	1
Bemba	1
Bengali	1
English	1
Eritrean	1
Ewe	1
Kiruba	1
Pwo Karen	1
Tamil	1
Tigringa	1
Triginya	1
Zhaghawa	1

### 2021 CCVS Language Line Data

The Vermont Center for Crime Victim Services gives its sub-grantees access to a LanguageLine Solutions® account for interpretation and translation services. Through a feature called “MyLanguageLine,” LanguageLine tracks data regarding services used and in which languages. In 2021, CCVS subgrantees used Language Line for 230 calls, for a total of 3,





## Recommended Interpretation and Translation Resources

### U.S. Committee for Refugees and Migrants Vermont (USCRIVT)<sup>24</sup>

The US Committee for Refugees and Migrants Vermont offers top-notch interpretation and translation services in Vermont. The interpretation and translation services are highly regarded, and USCRIVT contracts with the University of Vermont Health Network, the State of Vermont, and the Judiciary. They offer all their interpreters training in medical, legal and mental health settings. They have 128 interpreters and can offer services in 41 languages. Importantly, USCRIVT adapts to Vermont's needs, and actively seeks interpreters and translators for newcomers. For example, in advance of the arrival of the Afghani refugees in the past year, USCRIVT hired Dari and Pashto (the dominant languages in Afghanistan) interpreters and translators. Apart from the Afghan arrivals, in anticipation of Ukrainian arrivals this year (2022), USCRIVT began actively recruiting and training Ukrainian and Russian interpreters to meet the upcoming demand.

USCRIVT has a very high standard for their interpretation and translation services. All employees must first take a screening test and then undergo thorough training. Each interpreter/translator completes a basic training. Next, depending on the services the interpreters/translators will provide, they will undergo additional training, such as medical or legal, to ensure they are comfortable with the industry-specific jargon. Finally, interpreters/translators must pass an exam and receive a certificate to begin providing interpretation and translation services. USCRIVT service providers are not nationally certified, and instead choose to conduct their own training and certification process at a

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<sup>24</sup> <https://refugees.org/uscri-vermont/>

high standard. It is a great resource for service providers looking to provide Vermont-based interpretation services.

#### Association of Africans Living in Vermont (AALV)<sup>25</sup>

The Association of Africans Living in Vermont (AALV) offers interpretation and translation services. They offer services in over 20 languages. Their qualified interpreters and translators are experienced, and have worked in healthcare, the legal system, and social services. AALV is a great Vermont-based resource.

#### LanguageLine Solutions®<sup>26</sup>

LanguageLine Solutions is an excellent resource for on-demand interpretation and translation services. LanguageLine has over 16,000 professionally certified interpreters. They can offer interpretation services in over 240 languages, including American Sign Language, in-person, over-the-phone, or through video remote interpretation.

LanguageLine also offers reliable document translation services. A real person, rather than a robot (like Google Translate), translates the documents to ensure the accuracy of the translation. Their translation services are secure, which is crucial for crime victim services. It is much better to use LanguageLine than to submit documents to an online translation program because that program then owns the information submitted, whereas LanguageLine service providers promptly discard documents/information after translation.

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<sup>25</sup> <https://www.aalv-vt.org/interpreter>

<sup>26</sup> <https://www.languageline.com/>

### Interpreters Unlimited<sup>27</sup>

Interpreters Unlimited (IU) provides interpretation and translation services in Vermont and has interpreters with experience in all industries. They provide in-person, video remote, and over the phone interpretation as well as website localization and document translation. They offer their services in over 200 languages, including American Sign Language.

### Vancro Integrated Interpreting Services (VIIS)<sup>28</sup>

Vancro Integrated Interpreting Services is an interpreter-led company that offers interpretation services in American Sign Language. They provide in-person and video remote interpretation. Their services are highly regarded and are recommended by Deaf Vermonters Advocacy Services (DVAS) and are used by Disability Rights Vermont (DRVT). Their services can accept interpreter requests 24/7.

### ASTA-USA<sup>29</sup>

ASTA-USA is a remote interpretation and translation service. Their interpreters and translators are evaluated each month for quality maintenance. They offer services in over 70 languages. Over the phone and video interpretation are available on-demand, 24/7.

### Telelanguage<sup>30</sup>

Telelanguage is a video remote interpretation service that offers services in over 300 languages, including American Sign Language. They offer 24/7 on-demand access to professional interpreters.

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<sup>27</sup> <https://www.interpreters.com/vermont-interpreter-translator/>

<sup>28</sup> <https://vancroiis.com/>

<sup>29</sup> <https://www.asta-usa.com/language-interpretation-services/>

<sup>30</sup> [https://teleguage.com/services/video-remote-interpretation/?gclid=Cj0KcQjw\\_vjWBhD8ARIsAH1mCd6-q1WSXAerjhl7o2htvUPJSBX1jkTDXwl2C2RPvaqSV0zzSu7pOwaAIKaEALw\\_wcB](https://teleguage.com/services/video-remote-interpretation/?gclid=Cj0KcQjw_vjWBhD8ARIsAH1mCd6-q1WSXAerjhl7o2htvUPJSBX1jkTDXwl2C2RPvaqSV0zzSu7pOwaAIKaEALw_wcB)

## Interpretation and Translation Costs\*

Interpretation and translation services can be expensive which is why it is so important for organizations/agencies to create a realistic budget that plans for its language access needs. Many interpretation and translation service providers do not make the costs of their services available on their websites, but most will provide a free quote. This could be a good tool to determine how to budget for language access.

However, our research made some information available regarding the costs of interpretation and translation services. The USCRIVT charges a base rate of \$70 per hour for in-person interpretation. Outside of the traditional 9 a.m. to 5 p.m. workday hours, the rate will be increased. USCRIVT also offers over-the-phone interpretation for \$60 per hour, but in 15-minute increments (a 1 to 15 minute phone call will cost \$15, a 16 to 30 minute phone call will cost \$30, etc.). The 15-minute increment method is cost-effective for the client because many over-the-phone interpretation sessions take less than an hour. USCRIVT offers document translation services for \$65 per page or by the hour (it may take a service provider longer than one hour to translate a dense document, in which case the services will cost more).

American Sign Language interpretation can also be costly. Most ASL interpretation service providers charge between \$80-\$120 per hour with mandatory minimums.<sup>31</sup> Vancro Integrated Interpreting Services charges a base rate of around \$100 per hour for video

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\* For tips and tricks on how to provide meaningful language access with limited funds, visit <https://www.migrationpolicy.org/programs/language-access-translation-and-interpretation-policies-and-practices/practitioners-corner-more> .

<sup>31</sup> *Language Access in the Legislature*, Vermont State House. March 2022. <https://www.youtube.com/watch?v=tjwH5NRtkA8>

remote interpretation. In-person interpretation is offered at a higher price as clients must cover the cost of travel.

## Sample Budget Calculations

### Information Necessary to Budget for Language Access

- The county or region in which the organization operates
- The amount of people the organization serves each year
- The percent of the county/region that does not use English as their primary language
- The average number of times a client interacts with the organization
- The costs of language services to be used by the organization
- Whether the organization uses in-person, telephonic, video remote interpretation or a combination of the three
- The average length of calls and/or in-person meetings with an interpreter

### Example A: Organization X

Organization X in Windham County serves roughly 1000 people every year. 0.875% of Windham County does not use English as their primary language. This means that Organization X should be prepared to offer language services to roughly 9 people each year (.875% of 1000 is 8.75). On average, clients interact with Organization X three times. Organization X uses telephonic interpretation, and contracts with USCRIVT. CCVS LanguageLine data indicates that on average, interpretation calls last 15 minutes.

To determine a yearly budget for interpretation services, use this equation:

(The number of non-English speaking clients served) x (the number of times a single client communicates with the organization) x (cost of services) = **Interpretation Budget**

Plug in Numbers for Organization X:

$$(9 \times 3 \times \$15) = \mathbf{\$405}$$

The translation budget is more difficult to gauge because documents do not need to be translated into the same language more than once unless they are updated. This can be done on an as-needed basis.

USCRIVT charges \$65 per page. In one year, Organization X might have 3 single page vital documents to translate in 3 languages. The cost can be determined through this equation:

(Total number of pages included in the vital documents) x (number of languages requiring translation) x (cost per page of translation) = **Translation Budget**

$$3 \times 3 \times \$65 = \mathbf{\$585}$$

Therefore, Organization X should try and budget for around **\$990** worth of language access services per year. If fiscally possible, the organization should include additional funds for things like language access signage and outreach programming.

## Example B: Organization Y

Organization Y in Chittenden County serves roughly 5000 people each year. 3.120% of Chittenden County's population does not use English as their primary language. Organization Y should be prepared to offer language assistance services to roughly 156 people each year (3.120% of 5000 is 156). On average, clients must interact with the organization 2 times. Organization Y uses USCRIVT for in-person interpretation with sessions lasting approximately one hour.

(The number of non-English speaking clients served) x (the number of times a single client must communicate with the organization) x (cost of services) = **Interpretation Budget**

Plug in numbers for Organization Y:

$$(156) \times (2) \times (\$70) = \mathbf{\$21,840}$$

In a given year, Organization Y might need 2 single page documents translated in 10 languages. (Total number of pages included in the vital documents) x (number of languages requiring translation) x (cost per page of translation) = **Translation Budget**

$$(2) \times (10) \times (\$65) = \mathbf{\$1,300}$$

Organization Y should, therefore, include roughly \$23,140 worth of language access services in the annual budget. If fiscally possible, the organization should include additional funds for things like language access signage and outreach programming.

## Language Access Plans

A language access plan helps guide an organization in its efforts to provide meaningful language access. Language access plans are incredibly important to communication, but a plan that sets unrealistic goals will ultimately serve no one. The plan must reflect what agencies are able to accomplish. Every agency's needs will be different, so each must create plans tailored to the agency's resources and the needs of the people they serve.

In 2021, Vermont State Senator Ram Hinsdale introduced [Senate Bill 147](#) : An Act Relating to Language Access Plans. The bill's intended purpose was "to require State agencies to create language access plans and to require the Agency of Administration to complete an evaluation of the sufficiency of agencies' provision of translated materials and interpretation services." This bill did not make it out of Committee, but its proposal recognizes the growing awareness of the importance of language access in Vermont. Senator Ram Hinsdale has always been an advocate for communication justice, and she was happy to have a conversation on the subject to inform this document. She sources her dedication to communication justice to being the daughter of an Indian immigrant. He spoke English well, but growing up, she frequently interacted with immigrant families who consistently lacked meaningful access to important services due their inability to speak English at an equal level to native speakers. She introduced this bill because she believes language access plans are necessary to hold agencies and organizations accountable for providing meaningful language access. Creating and maintaining a language access plan is a necessary step for an agency/organization/service provider to protect the rights of people who don't use English as their first language.



It can be difficult to know where to begin when starting the process of writing a language access plan. [Esperanza United](#) has a guide that spells out the initial steps that will help facilitate the process. Before drafting and implementing a language access plan, each agency/organization should develop an understanding of where they currently stand with language access. Each organization can arrive at this understanding through a self-assessment. A sample self-assessment can be found on page eight of the [Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#).

The Department of Justice requires that federal funding recipients “take reasonable steps” to ensure that each person, regardless of the language he or she uses, can meaningfully access the services the agency offers.<sup>32</sup> To do this, agencies should balance four factors identified by the U.S. Department of Justice:

1. The number or proportion of people who need interpretation/translation services eligible to be served or likely to be encountered by the agency
2. The frequency with which people who need interpretation/translation services interact with the agency
3. The nature and importance of services provided by the agency
4. The resources available to the agency

These factors, however, require access to accurate data in Vermont. This document should provide some of that data. However, determining how regularly people who don't use English as their first language are served by an agency is most accurately collected by the agency itself. It will be helpful to collaborate with agencies that operate in the same geographic area or serve a similar population to collect missing data and/or information

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<sup>32</sup> <https://www.justice.gov/open/language-access>

necessary to create an effective language access plan. Similarly, if an agency lacks data on the amount of people they serve that don't use English as their first language, a great first step would be to start collecting that data so that it can inform an individually tailored language access plan.

### Important Language Access Plan Components:

- Identification of the language access needs of the community served. This includes (but is not limited to) external data on the number of individuals who do not use English as their first language in the population served, internal data on the frequency of service to these individuals, and where and when interpretation/translation services may be required.
- Assignment of responsibility: the plan should identify the individuals or offices responsible for plan implementation and management.
- Identification and explanation of the language services the organization will provide, such as interpretation and translation services.
- Description of policies and procedures regarding use of language access services. This includes how staff will offer language access services and collect data for future use.<sup>33</sup> Procedures should explain:
  - How staff should respond to calls/emails/letters from non-English speaking individuals.
  - How staff track and record language preference information.

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<sup>33</sup> *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice. May 2011.  
[https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

- How staff inform non-English speaking individuals about language assistance services. This may include [I Speak cards](#) that allow a client to signal a need for interpretation/translation services in his or her preferred language.
- How staff access in-person interpreter services and telephone or video interpreter.
- How to obtain translated documents.
- How staff track and process language access complaints.
- Information on how staff will be trained in culturally and linguistically appropriate services. The training should cover the importance of language access, best practices for communicating with interpreters and people who do not use English as their first language, the policies and procedures identified in the language access plan, the means of internal data collection, where to access translated materials and how to use translation services.
- Description of the plan evaluation process. This should explain the steps to track the success of the plan and how and when it will be updated.

### Sample Language Access Plans

- [Vermont Judiciary Language Access Plan](#)
- [Model Protocol on Services for Limited English Proficient Immigrant and Refugee Victims of Domestic Violence](#)
- [City of Burlington Language Access Policy Draft](#)
- [New York City Mayor’s Office to Combat Domestic Violence Language Access Implementation Plan](#)
- [New York Public Safety Language Access Plan](#)

- [New York City Department of Health and Mental Hygiene Language Access Implementation Plan 2021](#)
- [U.S. Department of Housing and Urban Development Language Access Plan 2021-2026](#)
- [Vermont State Police Interpreter Services Policy](#)
- [Essex Police Department Limited English-Speaking Persons Policy](#)
- [U.S. Department of Justice Language Access Plan](#)

## Cultural Competence in Communication Justice

Not only is it essential to provide meaningful language access to people who don't use English as their first language, it is also critical to offer services in a culturally appropriate manner. Anyone in the victim service industry must be trained in cultural competence as anyone from any culture can be the victim of a crime. Cultural competency relates to “respecting differences; relating to individuals as individuals (with an awareness of the influence of culture); genuine commitment to serve the individual’s needs; and commitment to continuously learning about cultural differences, the cultures of others, and how culture influences each of us and our work together.”<sup>34</sup>

Communication styles can vary across cultures and languages. For example, English speaking Americans can be very direct, whereas people who use other languages may have a longer way of expressing themselves. As such, it is important to always be patient and non-

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<sup>34</sup> *Best Practices Guidelines: Crime Victim Services*, Minnesota Department of Public Safety, Office of Justice Programs. November 2012.  
[https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/InnovativePractices/Practices\\_Best%20practices%20guidelines-508.pdf](https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/InnovativePractices/Practices_Best%20practices%20guidelines-508.pdf)

judgmental when working with interpreters and people who do not use English as their first language. Moreover, some things that seem self-explanatory in American culture may be completely foreign to some clients and require further explanation.

There are also cultural nuances specific to the Deaf community. Although the Americans with Disabilities Act protects the rights of members of the Deaf community, many Deaf/Deaf-Blind/Hard of Hearing individuals do not consider themselves to be disabled, as they communicate in ASL just as others communicate in their first language. Additionally, there is a common misconception that people who primarily use American Sign Language can read and write in English at an equal proficiency to native English speakers. That is not true: not all members of the Deaf community know how to read and write in English. As such, it would be inappropriate for an agency/service provider to assume that each person in the Deaf community can effectively communicate through reading and writing and consequently deem an interpretation service unnecessary.

A crucial step to ensuring culturally competent services is to have each employee undergo cultural awareness training. The [Office for Victims of Crime Training & Technical Assistance Center](#) has a training entitled [Providing Culturally Competent Services to Victims of Crime](#). This training, or one like it, would be a great resource for victim service providers to use to ensure that they are providing culturally competent services. [Deaf Vermonters Advocacy Services](#) also conducts a training program entitled Deaf Culture, Awareness, and Access. This training is free of charge (except for the cost of interpretation, as the training is led by members of the Deaf community). DVAS strongly recommends that all service providers who work with Deaf/Deaf-Blind/Hard of Hearing Vermonters take this training to provide the best possible and most appropriate experience for their clients.

## Best Practices to Achieve Communication Justice

### 1. Develop, maintain, and annually re-evaluate a realistic language access plan.

For a more detailed explanation of why this is important, helpful resources, and components of a successful language access plan, see the Language Access Plan section above.

### 2. Use certified or qualified interpreters and translators

Interpreters and translators are essential to providing meaningful language access. Whenever possible, providers should use qualified interpreters and translators. A qualified interpreter refers to an interpreter who “is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary and specialized vocabulary.”<sup>35</sup> Some examples of unqualified interpreters include the client’s friends and family. It is inappropriate to ask a victim/survivor’s family member to interpret or translate, as they will be unable to provide adequate services. This is likewise important because a victim’s family member may be the perpetrator of the crime and could abuse their position as an interpreter.<sup>36</sup>

The state of Vermont does not require the use of nationally certified interpreters and translators in state-funded services, but it encourages the use of qualified interpreters whenever possible (exceptions may occur during emergency situations). USCRIVT, for example, does not require their interpreters to be nationally certified. They have, however, a revered interpretation and translation service with extremely qualified interpreters due to

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<sup>35</sup> <https://www.lawinsider.com/dictionary/qualified-interpreter>

<sup>36</sup> *Survivors with Limited English Proficiency: Barriers to Access*, Asian Pacific Institute on Gender-Based Violence. May 2019. <https://s3.amazonaws.com/gbv-wp-uploads/wp-content/uploads/2019/05/31191034/LEP-survivors-accessibility-9-2016-formatted-20191.pdf>

their own training program. Judiciary interpreters, however, must pass a national or federal court certification. Interpreters for victim services need not be nationally certified but must be qualified to provide effective services.

Bilingual employees who are untrained in interpretation should not double as interpreters as this can create role confusion. The person offering interpretation and translation services should be limited to their role as a qualified interpreter/translator.

### **3. Work with local, in-person interpreters whenever possible.**

The most effective and accurate interpretation always occurs in person. In-person interpretation allows the interpreter to see body language, which is crucial for cross cultural communication. In many cultures, some forms of expression are not vocal. Therefore, it is important for the interpreter to have a complete view of the client--not through a computer screen-- to provide the most accurate interpretation services. Further, using in-person interpreters usually means using Vermont-based interpreters. This is beneficial because clients tend to trust local community members more than out-of-state interpreters, and it can help keep interpretation talent in Vermont.

Over the phone or video remote interpretation services may, at times, be quicker and less expensive, but they are not as reliable as in-person interpretation services. In-person interpretation should be used whenever possible, as long as it does not create substantial delays for the client. This can be achieved by having interpreters in-house or on-call in frequently used languages. Although this method of interpretation may be more expensive, it is valuable to provide truly equal services to all Vermonters.

It must be noted, however, that in very small populations of refugees and immigrants, most people know one another. This can create confidentiality issues or make the client uncomfortable when using a local interpreter. Under these circumstances, it is better to use

telephonic or video remote interpretation from out-of-state services. This will create a safe space for the client that protects his or her privacy and upholds standards of confidentiality.

#### **4. Use language identification tools and inform clients of their rights to meaningful language access.**

Use tools such as [I Speak cards](#) to help clients identify the language they feel most comfortable using whenever necessary. If it is ever unclear whether a client needs language access assistance, err on the side of caution: provide interpretation and translation services, and inform the client of his or her rights to meaningful language access. One way to inform clients of their rights is to have a poster in the agency/organization office that states “You have the right to free interpretation and translation services” in as many relevant languages as possible.

#### **5. Budget for language access.**

There must be funding in an agency or organization’s yearly budget dedicated to language access to cover the costs required to provide meaningful language access to all Vermonters. Language access in Vermont depends on the ability for interpreters to earn a respectable wage. Realistically, however, it can be difficult for smaller organizations to budget specifically for language access. If it is not fiscally possible for each organization, the agency/organization that provides grants or funding should do its best to budget for the language access needs of its sub-grantees.

#### **6. Never turn away clients based on their ability to speak English.**

Use all resources available to make sure each person receives equal access to services regardless of their ability to communicate in English.



## **7. Train service providers on how to communicate with interpreters and people who do not use English as their first language.**

Service providers should be fully trained in language access policy and procedures. They must understand their legal obligation to provide meaningful language access to people who do not use English as their first language. They should learn the best practices in communicating with interpreters: 1) speak slowly and in plain language, 2) speak directly to the client, not the interpreter, 3) respect the role of the interpreter, 4) be patient, as it may take time for the interpreter to relay information to the client in a culturally and linguistically appropriate manner, 5) never patronize the client for his or her inability to speak English. They should know how to contact the interpretation or translation service and have the phone number on speed dial. This training should cover cultural competence (discussed in greater detail in the previous section). Lastly, they must understand the system through which they should document data on the language needs of the people they serve so that it may inform future language access plans and budgets.

## **8. Conduct outreach programs to make non-English speaking communities aware of available services.**

Some immigrant and refugee communities may isolate themselves to avoid police or government interaction due to negative experiences in their countries of origin, such as during a war or living under an authoritarian government. Some non-English speaking individuals prefer to isolate themselves within their community to avoid language barriers or unfamiliar situations. As a result, many immigrant and refugee community members do not know that certain services are available to them, or they assume that they are not due to their inability to speak English, or because of their migrant status. Therefore, outreach campaigns in multiple languages will help ensure that every Vermonter receives the services

they deserve. These outreach campaigns can include distributing pamphlets, hanging posters, or giving presentations to non-English speaking communities in their native languages about the services available to them.<sup>37</sup>

**9. Never assume the preferred method of communication for a person who uses ASL. Just ask!**

Not all members of the Deaf community can read and write in English, but some might prefer writing back and forth to communicate. Others might choose to use interpreters or speak for themselves.

**10. When translating documents, websites, or pamphlets, also create videos covering the same information in ASL.**

English is *not* the first language of members of the Deaf community. As such, Deaf/Deaf-Blind/Hard of Hearing individuals should have access to the same information in their first language.

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<sup>37</sup> *Model Protocol on Services for Limited English Proficient Immigrant and Refugee Victims of Domestic Violence*, Washington State Coalition Against Domestic Violence. November 2002.