



## Board of Trustees

### JEDI Committee

October 11, 2023

3:40 PM

President's Boardroom, Horace Mann Center

A live stream of the meeting for public viewing will also take place at the following link: <https://www.westfield.ma.edu/live>

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|--|---------------------|
| <b>1. Call to Order</b>                      | Trustee Montemayor  |
| <b>2. Approval of Minutes</b>                | Trustee Montemayor  |
| a. June 13, 2023                             |                     |
| <b>3. Items for Information</b>              |                     |
| a. JEDI FY23 University Strategic Priorities | Dr. LaRue A. Pierce |
| b. Investigations Data                       | Trish Bonica        |
| EO Plan & Other Policies Governing Conduct   |                     |
| <b>4. Items for Discussion</b>               |                     |
| a. University JEDI Statement                 | Dr. LaRue A. Pierce |
| <b>5. Items for Action</b>                   |                     |
| a. Motion – University JEDI Statement        | Dr. LaRue A. Pierce |

#### **Attachments:**

- a. Draft Minutes of June 13, 2023
- b. JEDI University Strategic Priorities Presentation
- c. Investigations Data
- d. FY23 Complaints and Investigations Presentation
- e. Current Diversity and Inclusion Statement
- f. JEDI University Statement
- g. Motion – JEDI University Statement



## Board of Trustees

Justice, Equity, Diversity, and Inclusion Committee

June 13, 2023

Minutes

Tilia Fantasia Student Lounge, Woodward Center

A live stream of the meeting for public viewing also took place on YouTube.

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**MEMBERS PRESENT:** Committee Chair Madeline Landrau, Vice Chair Chris Montemayor, Secretary Melissa Alvarado, Trustees George Gilmer, Dr. Gloria Williams, and Board Chair Dr. Robert Martin, ex-officio member

**TRUSTEE GUESTS PRESENT:** Trustees Theresa Jasmin, William Reichelt, and Ali Salehi

Also present and participating were Westfield State University President Dr. Linda Thompson, Vice President for Justice, Equity, Diversity, and Inclusion, Dr. LaRue Pierce, and Registrar Dr. Monique Lopez.

The meeting was called to order at 10:13 AM by Committee Chair Landrau.

**MOTION** made by Trustee Montemayor, seconded by Trustee Gilmer, to approve the minutes of the April 25, 2023, meeting. There being no discussion, **Motion passed unanimously.**

Committee Chair Landrau welcomed Dr. Pierce, who shared an Anti-DEI legislative movement infographic. Discussion took place on legislation around the country that will affect enrollment and growth at the University. Dr. Pierce will find out how many proposed legislations are in Massachusetts.

- Some suggested legislation will affect international students' entrance into and length of time they are able to stay in the country. Some universities are exploring different ways to teach international students by teaching in their native countries or utilizing remote classes.
- We want to be an institution where students can study without constraints.
- The governor has asked each university to secure a student to sit on an advisory board surrounding the recent Supreme Court decision on affirmative action.

Dr. Pierce provided information on what the institution needs to do going forward surrounding justice, equity, diversity, and inclusion and issues faced during the 2022-2023 academic year.

Bias Education Support Team (BEST). Accountability happens through this team that supports and educates. To stop behavior, accountability must be clear and concise throughout the entire campus and needs communication from top down. The Faculty/Staff JEDI Advisory Committee has been approved and will create a diversity plan in the fall and record data on incidents for 2023-2024.

Trustees requested regular updates on issues and initiatives being developed collaboratively. The BEST team will create a dashboard to keep the community informed. Human Resources does have a report that lists every incident over the last 18 months. It was requested that HR provide a report of quantitative numbers, themes, and outcomes (resolved/pending) of those incidents.

Dr. Pierce stated that the Equal Opportunity/Affirmative Action plan is outdated, but we need to follow this as the University's policies tie to it. He will work with BEST and the Faculty/Staff JEDI Advisory Committee to establish new policies.

Trustee Gilmer requested that Trustees be shown the whole programmatic side of how the following is being addressed:

- Training – do students, faculty and staff know what is expected?
- Alerting the University of any issues.
- Follow up mechanism – looks like BEST team will do this.
- Reporting to be able to understand the tone, how many incidents, and themes, which goes back into the programmatic training. Dr. Pierce has started a flow chart to capture this information to share.
- The University has zero tolerance for any type of discrimination.

Dr. Pierce shared that students will be trained in what freedom of speech is and what speech is protected. Many people do not know about the bias incident reporting form, which was utilized by 4-5 people last year. The BEST team will meet this summer to develop training that will start in the fall and educate the campus on the incident reporting form and then start collecting data. The timeline to roll out the entire program is the next 12 months.

Chair Martin suggested that at the beginning of the academic year might be the time for some letter or communication from President Thompson addressing these general national issues and why diversity in its many forms is important to the University and what we stand for. The board could consider being a signatory as well, making it clear where we stand as a University in terms of our commitment.

President Thompson stated that starting in September, the campus will have conversations around what it means to be a member of Westfield State and the principles of values and obligations to each other and working collaboratively to enhance the institution's culture.

Preferred and Chosen Name Committee. Dr. Lopez provided an update for this committee, stating a new policy reviewed by legal counsel will be brought to the board for approval in the fall. Software is being updated to provide the ability to assist students with their chosen name where allowed.

Approval of JEDI Committee Charter. Revisions to the charter were identified.

**MOTION** made by Trustee Montemayor, seconded by Trustee Williams, to approve and recommend adoption to the full Board the Westfield State University Charter of the Justice, Equity, Diversity, and Inclusion (JEDI) Committee, as presented. There being no discussion, **Motion passed unanimously.**

There being no further business,

**MOTION** made by Trustee Alvarado, seconded by Trustee Montemayor, to adjourn. There being no discussion, **Motion passed unanimously.**

Meeting adjourned at 11:03 AM.

Attachments presented at this meeting:

- a. Draft Minutes of April 25, 2023
- b. Anti-DEI Legislation Movement Infographic
- c. Presentation: Bias Education Support Team & Preferred and Chosen Name Committee
- d. Motion – Approval of JEDI Committee Charter
- e. Draft JEDI Committee Charter

**Secretary’s Certificate**

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the Westfield State University Board of Trustees Justice, Equity, Diversity, and Inclusion Committee meeting held on June 13, 2023.

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Melissa Alvarado, Secretary

\_\_\_\_\_  
Date

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**Division of  
Justice, Equity, Diversity, and Inclusion (JEDI)**

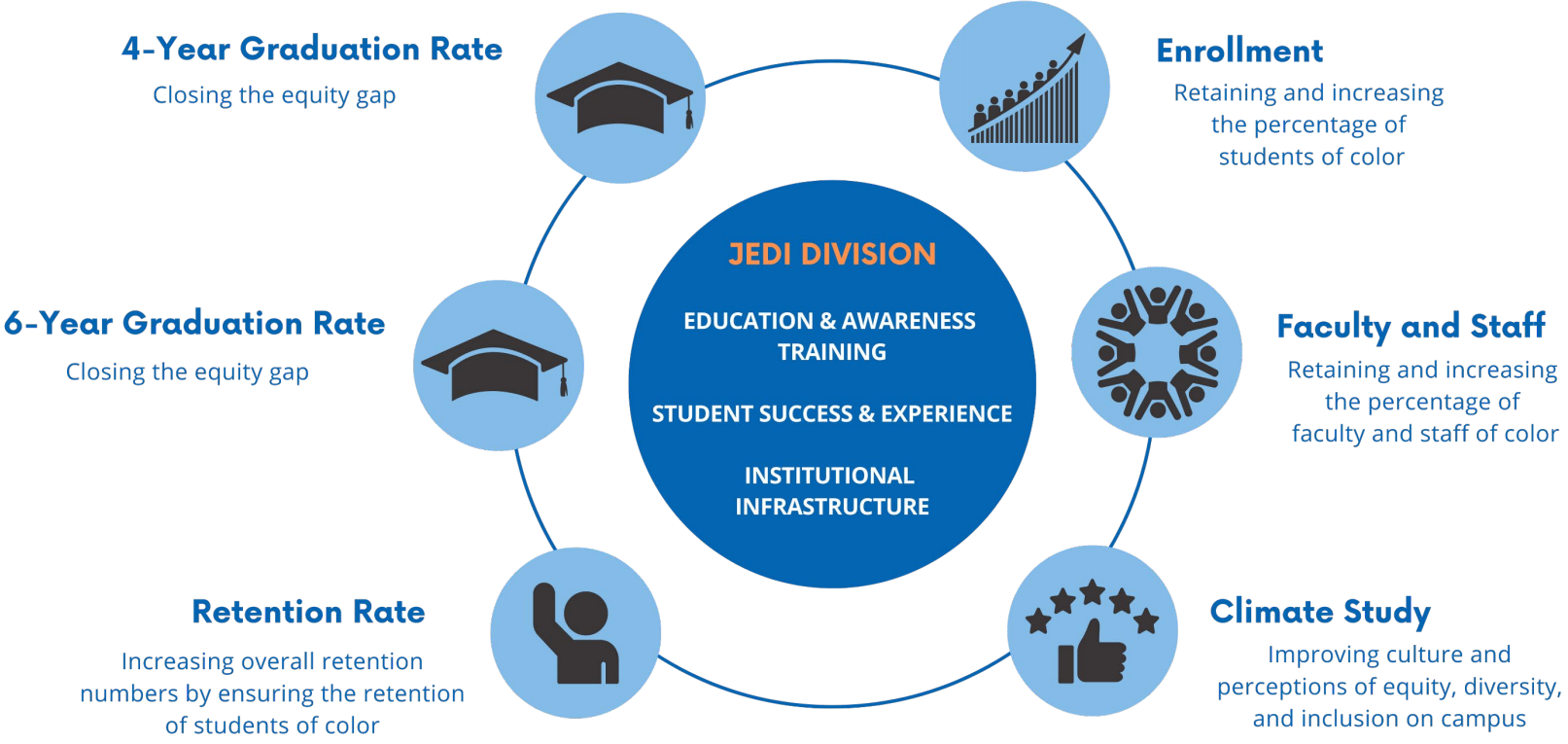
**Presentation to the  
Board of Trustees JEDI Committee**

October 11, 2023

3:40-4:30

President's Boardroom-Horace Mann

# ALIGNING TO STRATEGIC PLAN MAJOR INDICATORS



## COMPARISON OF TWO COHORTS OF STRATEGIC PLAN MAJOR INDICATORS

Selected Major Indicator	2010/2012 Cohort	2014/2016 Cohort
4-year Graduation Rate Gap B/W	-24%	-25%
4-year Graduation Rate Gap Latinx/W	-10%	-23%
6-year Graduation Rate Gap B/W	-11%	-11%
6-year Graduation Rate Gap Latinx/W	-13%	-7%
		2022-23
% Students of Color	22%	22%
% Faculty and Staff of Color	18.85%	17%

**Questions?**



**Office of Human Resources, Title IX, & Equal Opportunity**  
**FY23 Claims & Investigations**  
**October 5, 2023**

**FY23 New Cases**

Policy	Sub-Policy	Number of Cases	Student		Resolution		
			Complainant	Respondent	Other Resolution	No Responsibility	Responsibility with Disciplinary Action
Anti-Bullying		3					
EO Plan	Disability	1	1				
MCAD	ADA - Disability	1					
Whistleblower	Fraud, Waste, & Abuse	1					
<b>Total</b>		<b>6</b>					

**FY23 Closed Cases**

Policy	Sub-Policy	Number of Cases	Student		Resolution		
			Complainant	Respondent	Other Resolution	No Responsibility	Responsibility with Disciplinary Action
Anti-Bullying		10	1		Dismissal: 3	3	4
Criminal	Unlawful Activity	2	1		Managed by University Police: 1		Other Institution criminal charges against unaffiliated individual: 1
DHE	Consumer Complaint	1	1			1	

Policy	Sub-Policy	Number of Cases	Student		Resolution		
			Complainant	Respondent	Other Resolution	No Responsibility	Responsibility with Disciplinary Action
EO Plan	Disability	2	1			2	
	Discrimination - Race / Ethnicity	2	1			2	
	Discriminatory Harassment - LBGQT	3	3	1	Dismissal: 1 Withdrawal: 1	1	
	Title IX	14	11	11 (including 1 unaffiliated student)	Dismissal: 10 Withdrawal: 1	1	Resignation: 1 Responsibility with Disciplinary Action: 1
MCAD	Gender / Gender Expression	1			Dismissal: 1		
Whistleblower	Fraud, Waste, & Abuse	7			Dismissal: 1 Withdrawal: 1	1	Resignation: 4 Responsibility with Disciplinary Action: 1
<b>Total</b>		<b>42</b>					

# FY23 Complaints & Investigations

Office of Human Resources, Title IX, & Equal Opportunity

October 2023

# Values-Based Approach to Complaint Resolution

- ❑ Commit to a rigorous investigative process that is fair and timely.
- ❑ Begin with the premise that the respondent, if known and named, is innocent of the allegations. Prior to the conclusion of the investigative process, we suspend judgment.
- ❑ Treat as confidential the identity of complainants, respondents, and witnesses except as necessary to reasonably progress the investigation.
- ❑ No person may intimidate, threaten, or discriminate against any individual for the purpose of interfering with an investigation.

# Values-Based Approach to Complaint Resolution

- ❑ To safeguard against conflicts of interest, the roles of investigator and decider / adjudicator are separately maintained.
- ❑ Investigative conclusions are based on the preponderance of the evidence standard.
- ❑ Investigative remedies are intended to preserve or restore access and make whole.
- ❑ Informal paths to resolution (e.g., mediation) are not suitable regarding allegations of discrimination / discriminatory.

# Who are the Collaborators?

HR, Title IX, & EO

Student Conduct

University Police

BEST

# What are the Roles & Responsibilities?

## AVPHR

Ensures compliance with Equal Opportunity Plan & Whistleblower policy

Provides administrative review of Investigation Report

Serves as process adjudicator

Prepares Notice of Outcome or Response to Appeal

## Title IX Coordinator

Ensures compliance with Title IX

Conducts intakes and investigative interviews

Prepares Notice of Outcome or Response to Appeal

Develops and delivers policy and prevention education training

## HR Investigator

Conducts intakes and consults with teams as appropriate

Conducts investigative interviews and evidence review

Prepares Investigation Report

Contributes to policy and prevention education training

# What are the Criteria for Administrative Investigation?

- Allegations in violation of University Policy
  - Equal Opportunity Plan & Title IX Sexual Harassment
  - Whistleblower
  - Anti-Bullying
- Allegations that are severe, pervasive, and/or reasonably objectionable
  - Title IX: 3
  - Equal Opportunity: 2
  - Anti-Bullying: 1



# What is the Investigative Process?

Investigative Action	Timeline
Evaluate allegations in context of University policy	Upon receipt of written or transcribed complaint
Schedule interview with complainant	Within 3 days of receipt
Notify respondent of allegations	Within 5 days of receipt
Discuss the availability of supportive measures / resources with all parties	Within 10 days of receipt
Invite respondent to submit optional written response to notice of allegations	Within 10 days of notice
Conduct interviews with complainant, witnesses if any, and respondent	Within 60 days of notice to respondent
Make preliminary investigation report accessible to parties for evidence review	10 days

# What is the Investigative Process?

Investigative Action	Timeline
Prepare investigative report	Within 5 days of evidence review
Complete administrative review	Within 3 days
Prepare Notice of Outcome	Within 10 days
Communicate findings and sanctions, if any, during meeting with union representative	Within 5 days
Submit optional appeal upon identification of significant procedural error or new information	Within 10 days
Respond to appeal	Within 30 days

# Common Terms

- Supportive Measures / Resources – no contact orders, change in work or housing location, safety app
- Finding of Responsibility - allegations have been substantiated in accordance with a preponderance of the evidence threshold thereby typically resulting in sanction
- Finding of No Responsibility - allegations have not been substantiated
- Dismissal with Referral - common under three circumstances:
  - allegations do not rise to the level of policy violation
  - complainant-initiated upon receipt of supportive measures for non-discriminatory allegations
  - unresponsiveness by complainant
- Withdrawal - complainant-initiated for non-discriminatory allegations

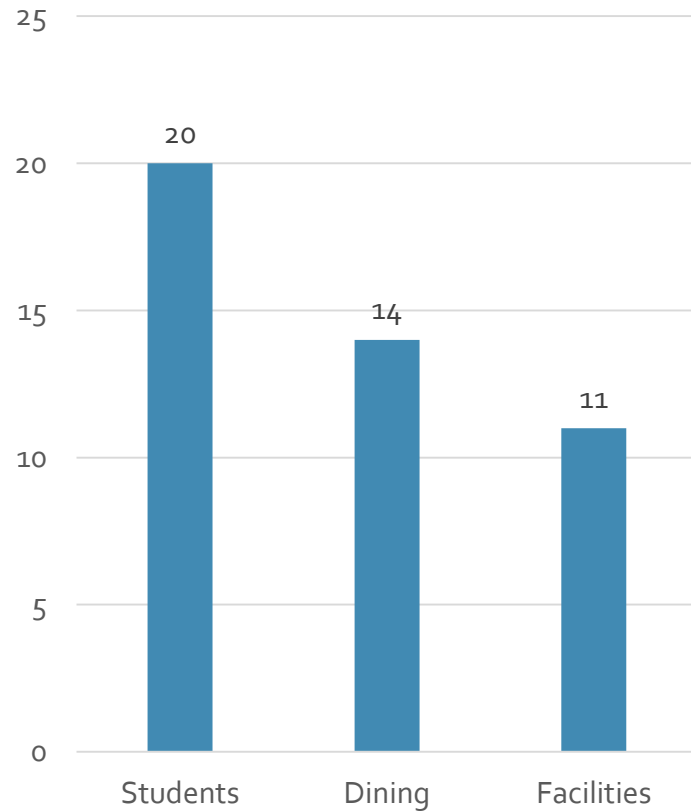
# Investigations

Active: 6

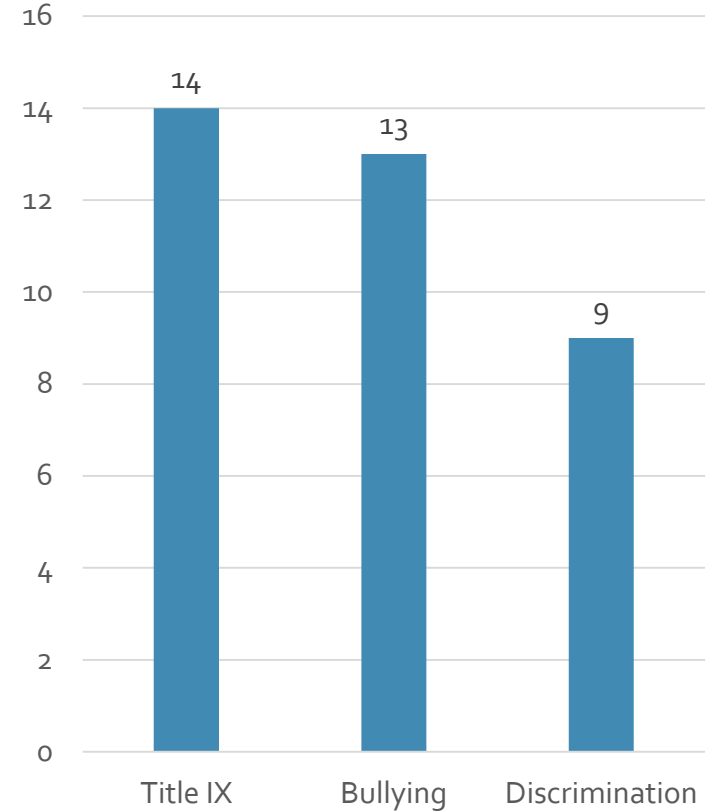
Closed: 36

Total: 42

### What are the most common sources of complaints?



### What are the most common allegations?



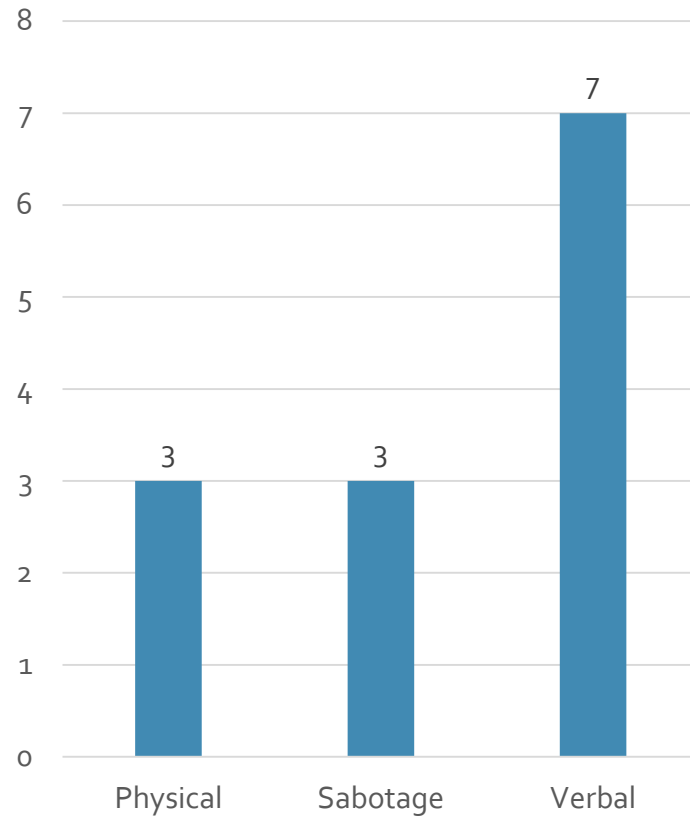
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Active: 6

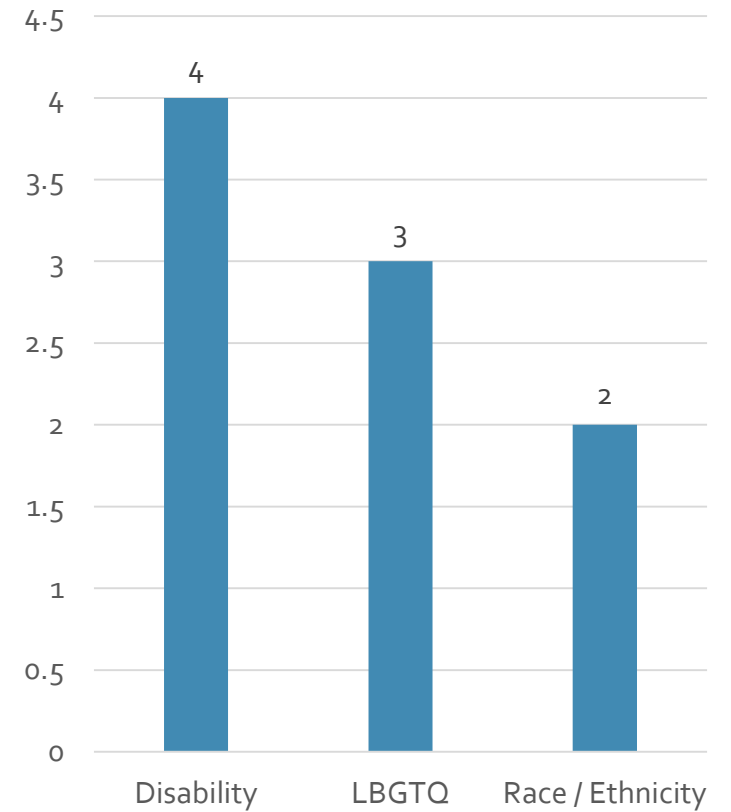
Closed: 36

Total: 42

### Allegations - Bullying



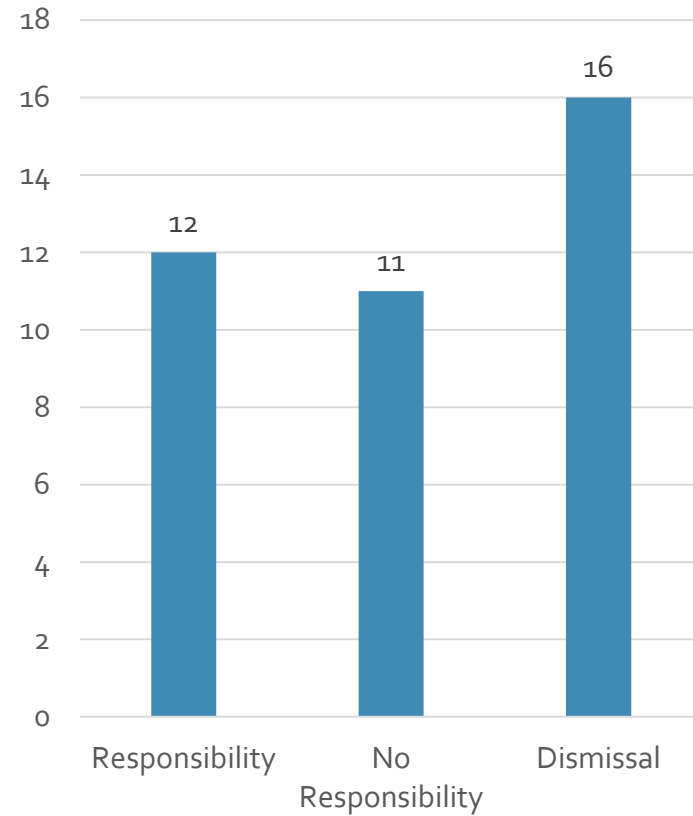
### Allegations - Discrimination



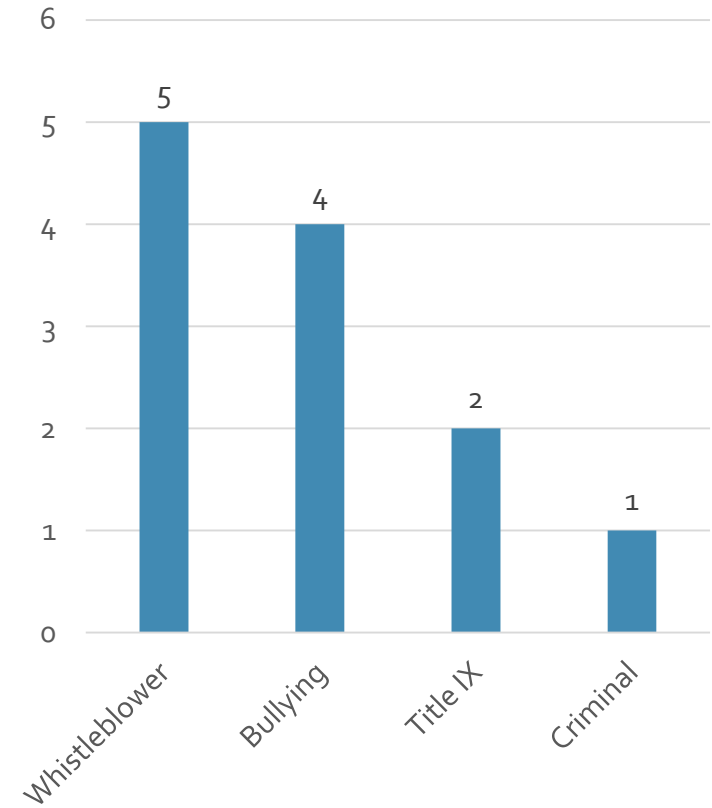
# Investigative Outcomes

Closed: 36

### What are the frequency of outcomes?



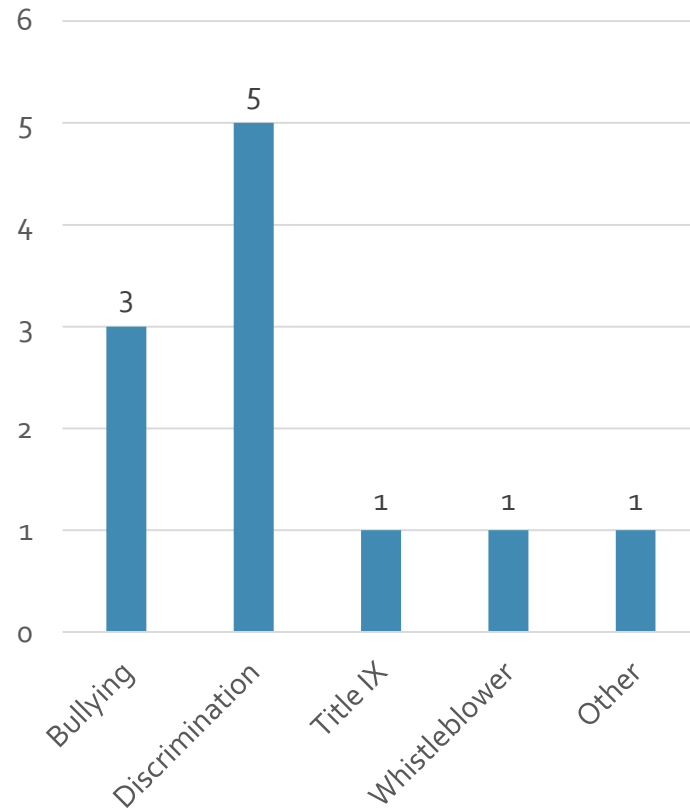
### Outcome - Responsibility



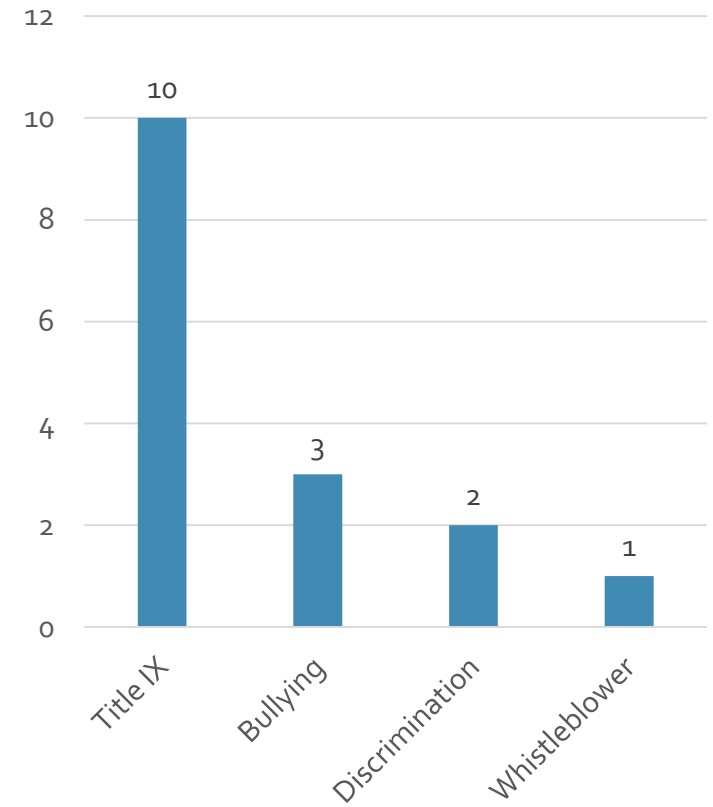
# Investigative Outcomes

Closed: 36

### Outcome - No Responsibility



### Outcome - Dismissal



# Commitment to Inclusion & Equity

Westfield State University remains committed to an inclusive and welcoming environment for all members of our campus community.

As centuries-long injustices against black and brown persons continue today, the University remains committed to supporting and educating students, faculty, and staff on our mission and values centered on inclusion, diversity, and equity.

As we embrace and exemplify these values, we serve as a model for our greater community.

**Acts of discrimination are not tolerated here.**

Behavior that contradicts our values are taken seriously at Westfield State and are addressed accordingly to bring about a greater understanding and strengthened culture of compassion and acceptance.

**LEARN MORE ABOUT OUR JUSTICE EQUITY DIVERSITY AND INCLUSION EFFORTS** [\(/NODE/12519\)](#)



## **Westfield State University Justice, Equity, Diversity and Inclusion Statement**

Westfield State University proudly embraces its historic legacy as the first co-educational college in America to provide an education without barriers to race, creed, or economic status. Today, we continue to honor this pioneering spirit by reaffirming our commitment to justice, equity, diversity, and inclusion.

We believe that diversity encompasses a broad spectrum of characteristics, including but not limited to race, ethnicity, nationality, gender identity, gender expression, sexual orientation, socioeconomic background, religion, age, ability, veteran status, and thought.

We believe that each member of our community brings a unique perspective, life story, and set of talents that enriches our campus life, and academic endeavors. By embracing diverse perspectives, we cultivate a vibrant campus that champions respect, empathy, and dialogue.

We believe that dismantling barriers and creating opportunities empowers everyone to thrive academically, professionally, and personally. This commitment is reflected in our policies, practices, and daily interactions. Together, we strive to create a just and inclusive campus where every voice is valued and every journey is supported.



## **Board of Trustees**

October 11, 2023

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### **MOTION**

The Justice, Equity, Diversity, and Inclusion (JEDI) Committee recommends approval to the full Board:

To approve the University Justice, Equity, Diversity, and Inclusion statement as presented to the Board of Trustees, acknowledging its significance in advancing our institution's commitment to Justice, Equity, Diversity, and Inclusion.