



PROCESS EQUITY IN STATE BOARDS:

Actionable Measures from Act 53 of 2023

December 13, 2023

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AGENDA

1.Principles of Equity

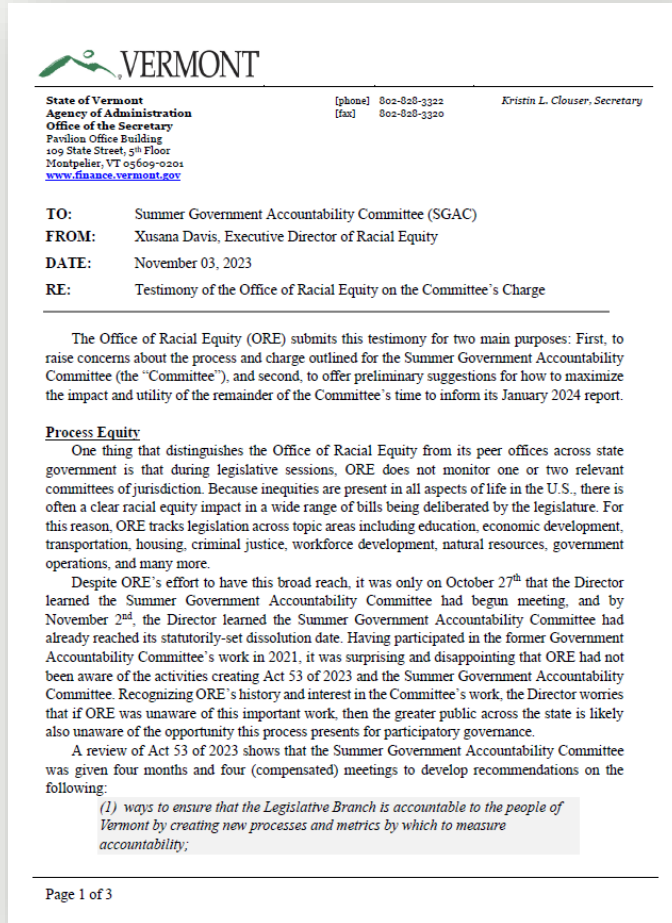
2.Recommendations on SGAC Charges 2 through 4

3.Additional Considerations

ACT 53 OF 2023

1. ways to ensure that the Legislative Branch is accountable to the people of Vermont by creating new processes and metrics by which to measure accountability;
2. ways to ensure equity in pay across commissions, boards, and joint legislative committees based on the nature of the service and required skill level;
3. ways to ensure equitable participation on boards and commissions and in any public engagement process mandated by the State or General Assembly by providing appropriate compensation and material support; and
4. codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees.

ORE'S PRELIMINARY RECOMMENDATIONS



- Slow down
- Engage the Office of Racial Equity
- Engage the community
 - Specifically, engage with existing boards and commissions
- Review useful tools and resources (examples provided)

ORE's VISION & VALUES

VISION

We envision a Vermont in which

ALL STATE EMPLOYEES AND CONTRACTORS ARE TREATED EQUITABLY throughout their tenure with the State of Vermont, and are equitably represented in decision-making and leadership

ALL MEMBERS OF THE PUBLIC RECEIVE FAIR AND APPROPRIATE TREATMENT and services regardless of race or ethnicity

THE STATE OF VERMONT IMPLEMENTS AND HONORS COMPREHENSIVE, MULTI-SECTORAL SYSTEMS that support current and future Vermonters to thrive in the state

ORE's VISION & VALUES

VALUES

We value

PROCESS EQUITY alongside outcomes equity

STRUCTURAL SOLUTIONS for structural problems

TRANSFORMATIVE CHANGE over transactional change (**ADAPTIVE CHANGE** over technical change)

Charge 2: Equity in pay

PER DIEM COMPENSATION

CURRENT PROCEDURE

Payees must provide IRS form W9 to receive per diem payment.

Payees must submit paperwork for each meeting attended.

Per diem payment amounts are generally too low, and sometimes vary between individual workgroups.

RISKS & HURDLES

Some Vermonters are unwilling or unable to provide this form due to privacy, safety, or legal issues.

This creates higher administrative burden for payees and for staff who process per diem payments.

Workgroup participation is discouraged and under-compensated.

IMPROVEMENTS

Allow for alternate forms of compensation to meet people's financial and other needs.

Confirm administrative capacity of the supporting Agency. Re-design submission process to reduce time burden.

Re-design the per diem payment structure to make payments appropriately reflect the work & demands.

PER DIEM COMPENSATION

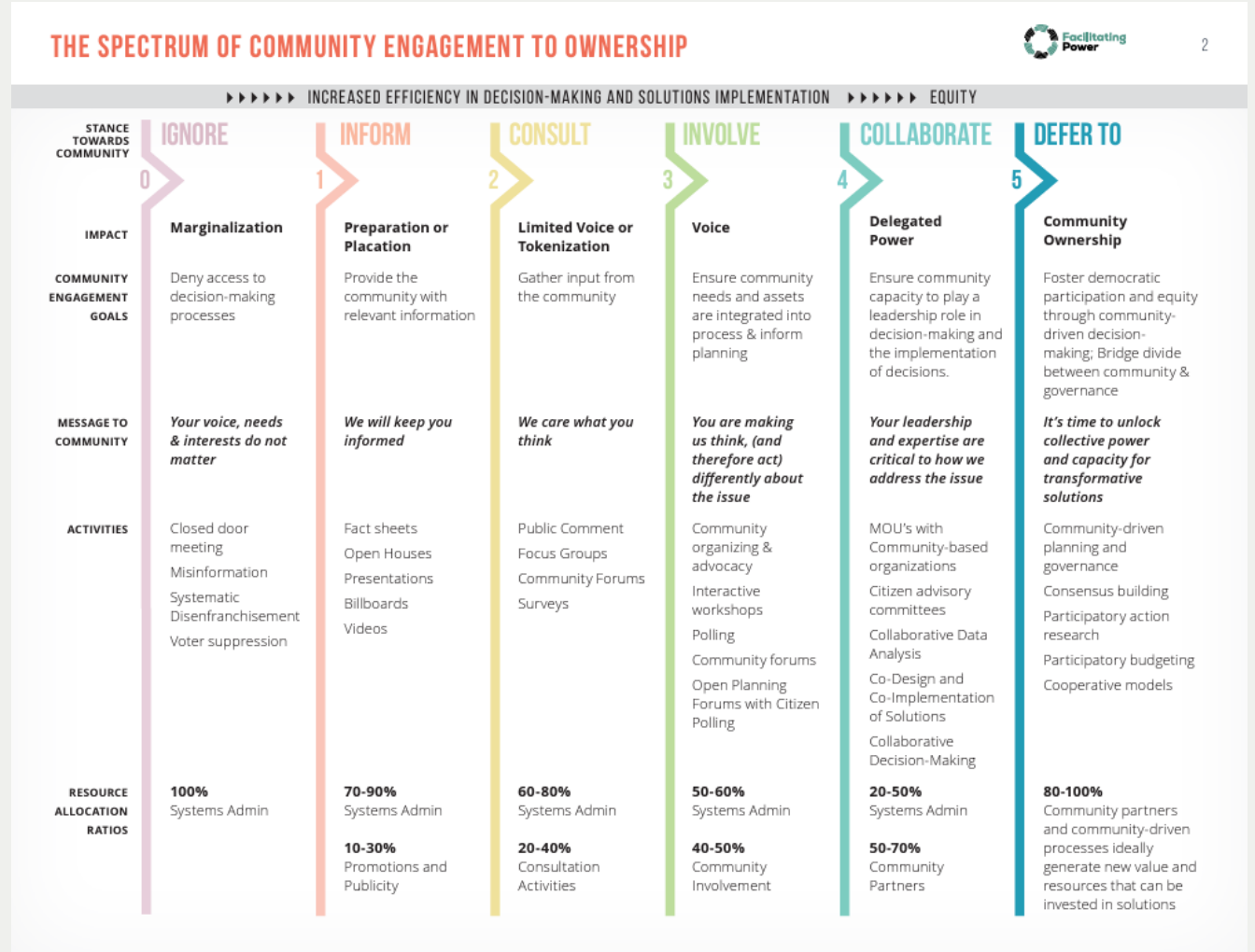
Additional considerations for restructuring the per diem compensation system:

- **What exactly is being paid?** Current per diem rate was set pre-pandemic, when people traveled around the state for in-person meetings. Was this to cover fuel? Time? Expertise? Is every member bringing the same level of expertise or traveling the same distance?
- **What is the (real) commitment?** Some workgroups just require attendance at meetings and casual input during deliberations. Others require research, drafting, event planning, testimony, and other behind-the-scenes labor.
- **Which workgroups get paid more and why?** Where is the central guidance document governing the process for upwardly adjusting compensation rates?
- **How many analogous groups already exist?** Are we paying per diems to more (or the same) people to sit on duplicative workgroups on the same subject matter and then claiming there's not enough in the budget to pay everyone fairly?

Charge 3: Equitable participation

SPECTRUM OF ENGAGEMENT

Consult: “The most common form of ‘community engagement’ among mainstream institutions is consultation, usually in the form of semi-interactive meetings in which members of the community have the chance to offer input into pre-baked plans... The biggest critique of this form of engagement is that decisions are often already made; the community input period simply serves to check a box.”



SPECTRUM OF ENGAGEMENT

Additional considerations for evaluating the quality and effectiveness of community engagement by/for State-created workgroups:

- **Is it performative?** To what degree are members of communities included in decision-making? How likely is their feedback to impact final outcomes? Are we tokenizing people by inviting them to share pain/trauma for the sake of it?
- **Who counts as part of Vermont's communities?** Consider biases against Vermonters who are newer, younger, immigrant, State-affiliated, poorer, rural, disabled, and more.
- **Who routinely gets left out?** Do we focus our attention only on Vermonters who don't require accommodations? (i.e. signed or spoken interpreters, physical access, minimum cognitive abilities)
- **Do we truly need new workgroups** to have empowered, meaningful community input? (*Hint: No.*)
- **How are communities encouraged to engage *proactively*** with workgroups, not just when invited or appointed?

Charge 4: “Controlling and restraining”

MANAGING NUMBER OF WORKGROUPS

INSTEAD OF...

Statutorily prescribing the number, cadence, and format of a workgroup's meetings...

Defaulting to requiring a report by a certain date that centers the legislative calendar...

Moving on to new reports from new workgroups on existing topics...

Statutorily prescribing the detailed demographic characteristics of workgroup members...

...CONSIDER

...allow the (presumed) experts on the workgroup to determine the appropriate logistic details necessary to carry out their work.

...consider that certain reports require different timing that may not always align with the legislative calendar, particularly if community engagement will likely be a part of the workgroup's activities.

...revisit existing findings and recommendations from relevant workgroups that have not been acted upon.

...beware the impact of quotas and tokenism and utilize other ways to include people from historically oppressed or excluded groups.

EXCERPT FROM 2023 DIRECTOR'S REPORT

“It is the Director’s recommendation that all branches of State government reassess the landscape of equity-focused workgroups to determine

- whether new workgroups are needed for a particular task/topic,
- whether existing workgroups can take on any new duties needed,
- whether any new workgroups need to exist in perpetuity or can serve as “task-and-finish” groups that will dissolve after a certain milestone is met,
- whether new workgroups will call upon the same set of community members who already sit on multiple workgroups,
- whether the compensation for the work is appropriate given the amount of work required by the members of the prospective new workgroup, and
- what work product or deliverable is expected of a new workgroup and how it will be effectively utilized or advanced by the State.”

Additional Considerations

ADDITIONAL CONSIDERATIONS

Be clear and deliberate with legislative intent language

- If equity and inclusion are part of the reason the workgroup was created, say so in the enabling order. When this language is removed through the negotiation and drafting process, the removal/absence of the language is used as a way to thwart, undermine, or avoid the workgroup conducting its work with an equity lens.

Don't set us up for mediocrity through narrow budgeting or timing

- The two most common arguments against workgroups performing broader community outreach are “we weren't given enough time for that” and “we weren't given enough budget for that.” These serve as great excuses for those who simply don't want to do the work in the first place.

Don't just take my word for it

- No one person speaks on behalf of all members of their demographic groups—even the ones whose jobs appear to grant that permission.
- When you consult with experts, treat it as an expert consultation. How much would you pay for specialized knowledge or experience-backed expertise?

ORDER SUPPLEMENTARY RECOMMENDATIONS

This report is intended to inform decision makers in Vermont on the creation of new advisory bodies or modification of existing advisory bodies to better align advisory body processes with the values of diversity, equity, inclusion, and justice. The report contains recommendations to ensure equitable compensation and the use of trauma-responsive practices to support advisory body members who share their experiences of discrimination or oppression as part of their legislatively mandated duties. The report details recommended improvements to current advisory body practices that aim to reduce barriers to participation in advisory bodies by members from communities of color and other groups that experience systemic oppression.

State of Vermont
Office of Racial
Equity
Recommendations
for State Advisory
Bodies

December 13, 2023

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- More detailed version of today's presentation.
- References and resources for further learning.
- Will be adapted for public posting in the coming weeks.