


# Roswell Park hired a firm to investigate allegations of racism. It's kept the findings secret

 [buffalonews.com/business/local/roswell-park-hired-a-firm-to-investigate-allegations-of-racism-its-kept-the-findings-secret/article\\_f30b094c-d96f-11ed-9579-cf6b18f33015.html](https://buffalonews.com/business/local/roswell-park-hired-a-firm-to-investigate-allegations-of-racism-its-kept-the-findings-secret/article_f30b094c-d96f-11ed-9579-cf6b18f33015.html)

April 23, 2023



Three years ago, the board of directors at Roswell Park Comprehensive Cancer Center received an anonymous letter raising concerns about how its employees of color were treated.

In response, Chairman Michael Joseph urged the hiring of a diversity consultant. In early 2021, Roswell Park tapped an outside law firm to advise a newly created board diversity committee.

The firm completed its report last year and shared it with board members in a closed-door session.



**Roswell Park has paid \$4.67 million to settle discrimination lawsuits, faces more complaints**

Fifteen lawsuits claiming employment discrimination based on gender, race or disability have been filed against Roswell Park over the last eight years. To date, The Buffalo News has found the cancer center has paid at least \$4.67 million to settle six of the cases.

Roswell Park has refused to make the report public, over the objections of several directors, and has twice rejected public records requests from The Buffalo News for this document.

Roswell Park's decision to keep the report – and much of its diversity discussion – hidden from view comes as it has faced lawsuits accusing hospital officials of racial, gender and other discrimination. Former employees have filed at least 15 such lawsuits over the past eight years, a review of state and federal court records found.

### **People are also reading...**

---

The complaints were brought by doctors, nurses and support staff at the hospital. And they raised allegations of a hostile workplace environment, careers that unfairly stalled and retaliation against anyone who raised concerns.

Roswell Park has paid at least \$4.67 million to settle six of those lawsuits, according to legal filings obtained through a public records request, a figure not previously reported.

"I've been deeply concerned about a series of events that had taken place in the past. And concerned that it amounted to a pattern and practice that was discriminatory," said Dr. Mary Bassett, who served on the board during her tenure as New York's health commissioner. "And I wanted to see the board sort of grab this with both hands and pursue it – without a roadmap, without the goal of exoneration, but with the goal of truth and repair."

Roswell Park officials deny the allegations in the lawsuits and say the cancer center's record on diversity is comparable to that of other area health care providers.

And they defended their efforts to recruit, and support, an employee base that reflects the population of the community the cancer center serves. Officials pointed to the creation of a diversity action committee, improvements to how claims of racial discrimination are investigated and the planned hiring of a senior vice president for diversity, equity and inclusion.

"Roswell Park remains steadfast in our obligation to be a driving force for equity and community welfare for our patients, team members and society in all our endeavors," the cancer center said in a statement.

Three years ago, the board of directors at Roswell Park Comprehensive Cancer Center received an anonymous letter raising concerns about how its employees of color were treated.

The public has a significant stake in how well Roswell Park, the only federally designated cancer center in upstate New York, addresses the issue of diversity. The cancer center is a public-benefit corporation that receives more than \$100 million annually in state funding and, with about 3,800 workers, is a major area employer.

And its record on diversity has drawn the attention of the state's top elected official.

"We are very concerned about these allegations and are exploring ways to improve diversity, equity and inclusion at Roswell Park Comprehensive Cancer Center," emailed Matt Janiszewski, a spokesman for Gov. Kathy Hochul.

### **A message received**

Board meeting minutes, documents shared with The News and comments provided by current and former hospital leaders offer a detailed look at how Roswell Park's administration recently confronted the issue of race.

At a board of directors meeting held June 25, 2020, Joseph, the chairman, referred to the anonymous letter that, he said, most board members received.

The letter has not been previously reported but The News obtained a copy.

"Rampant discrimination and hostility against Black and brown employees are the coin of the realm" at Roswell Park, the letter writer argued, claiming the board overlooked this mistreatment for years.

The letter also detailed the few Black and Latino employees in the cancer center's upper ranks: At the time, of roughly 240 physicians practicing at the hospital, just five were Black and two were Latino.

Today, Roswell Park reported, of 200 physicians who identified their race, five identify as Black and four identify as Latino, numbers that are in line with national statistics for practicing oncologists.

The meeting was held one month after George Floyd's murder in Minneapolis set off racial justice protests around the country, including in Buffalo. According to meeting minutes, Joseph acknowledged "there are likely diversity issues that need to be addressed."

The board ultimately hired a diversity consultant, Bart Bailey, to provide advice and guidance.

### **A 'change in culture'**

On March 17, 2021, President and CEO Candace Johnson told the board that Bailey had started holding diversity workshops and he was arranging a meeting with the author of a book she was reading, “Me and White Supremacy,” minutes show. Later in the meeting, Johnson proposed the board create its own diversity and inclusion committee, in addition to an administrative diversity committee already in existence.



### **Roswell Park reports progress against cancer in WNY – at least before Covid**

Between 2014 and 2019, overall cancer incidence (the rate of new cases of cancer) declined by 1.1% – that means about 92 fewer people were diagnosed with cancer each year in Western New York.

Michael Sexton, Roswell Park’s general counsel and senior vice president, also updated directors on a diversity investigation by the state Division of Human Rights.

The hospital said recently that it fully cooperated with the investigation and it hasn’t heard from the division since October 2020.

The board later hired the Philadelphia-based Cozen O’Connor law firm, according to a March 29, 2021, retainer agreement that emphasized keeping information gathered “in the strictest confidence.”

---

## Support Local Journalism

---

Your subscription makes our reporting possible.

[SUBSCRIBE: \\$1 for 3 months](#)

---

On Sept. 2, 2021, Steve Weiss gave his first report as chair of the board's diversity committee. He noted that Roswell Park had mandated training and that a Cozen O'Connor lawyer was reviewing previous legal complaints and assessing current practices, minutes show.

Then, on March 24, 2022, Johnson gave a lengthy presentation that included a review of racial demographics of the hospital's workforce. According to Roswell Park data, the hospital employs a higher proportion of Asian workers than their population in Western New York and it employs a smaller percentage of Black, Latino and white workers than found in the eight-county region.

Johnson said diversity in hiring, particularly in the leadership ranks, was a priority, meeting minutes show, and a "change in culture" was needed for this effort to succeed. She also promised a more "transparent process" in reporting and investigating claims of misconduct.

Both Johnson and Joseph declined interview requests.

### **A secret report**

It's not known what conclusions the Cozen O'Connor report reached about the treatment of Roswell Park's employees of color.

On July 18, 2022, at a special board meeting, Cozen O'Connor lawyers presented their findings in executive session, according to heavily redacted meeting minutes marked "highly confidential."

The News on Feb. 7 requested a copy of the report through the state's Freedom of Information Law. Roswell Park on March 14 rejected the request, saying the report is "confidential attorney/client work product."

The News appealed, and Johnson, acting as the hospital's FOIL appeals officer, on March 30 upheld the decision to withhold the Cozen O'Connor report and related communications.

But she provided other records of legal settlements The News sought.

Roswell Park has done more than just keep the Cozen O'Connor report secret. The hospital also asked another law firm, Buffalo-based Hodgson Russ, to respond to the analysis at a special meeting on Aug. 25. The board again went behind closed doors to discuss this "supplement" to the diversity report.



It's not known what conclusions the Cozen O'Connor report reached about the treatment of Roswell Park's employees of color. The hospital has refused to make the report public.

Derek Gee/News file photo

Following the legal discussion, the board voted on a proposed public statement that skirted concerns raised by the hospital's employees of color.

Minutes show eight board members, all white, voted in favor of the statement and five voted against, as Investigative Post first reported. The five were the board's four Black members and Weiss, who is white. The statement was published as a full-page ad in The News on Aug. 28, as well as a similar ad last Sunday.

"Roswell Park is committed to instituting change to support diversity, equity and inclusion, being active listeners and not shying away from difficult conversations," the statement read in part.

On Aug. 30, the five dissenting board members wrote to Johnson and Joseph to express frustration that the public statement did not acknowledge the hospital's past failings on race.

The News independently obtained a copy of the letter after Investigative Post published its contents.

“We believe that the Cozen investigation and resulting report correctly conveyed the long history and sentiment of institutional racism, lack of trust inside and outside of the institution, feelings of retaliation and racial inequity,” the letter stated. It also blasted Roswell Park and Hodgson Russ for demanding Cozen O’Connor reveal attorney’s notes, identities of anonymous sources and other “confidential” material gathered in the report's production.

A hospital spokeswoman declined comment on "matters related to an internal, privileged document" and, speaking generally, said the board follows state Open Meetings Law in discussing confidential information behind closed doors.

### **'Step toward reconciliation'**

On Sept. 1, the board discussed unspecified “diversity issues” in executive session after receiving an update from Johnson on the hospital’s search for a senior vice president and chief diversity officer.

Three months later, on Dec. 15, Johnson told the board the hospital has worked to bolster overall diversity and inclusion procedures and, specifically, a new investigation policy.

That same day, however, Weiss sent a letter to Hochul asking her to accept his resignation.

In addition to Weiss, the board members who objected to the statement and who signed the Aug. 30 letter were Bassett; Dr. Gregory Daniel, a physician and developer; Leecia Eve, a political strategist and adviser; and Gail Mitchell, a former assistant United States attorney.

Eve and Mitchell did not respond to messages. Daniel, in a statement, emphasized the need for contrition.

“We can never go forward until we have taken responsibility for the past,” he said. “It’s not about money or reparations. It’s all about saying ‘I apologize.’ That’s where the future begins in the most positive of ways.”

Weiss called for a change in board leadership in his own statement. "Once the governor and her team are fully briefed on these matters, I have to believe she and other politicians, if not the public, will demand change at Roswell,” he said. "In my opinion, naming a person of color as the next board chair would naturally transform the institutional agenda on matters of race from secrecy and denial to transparency, acknowledgment and contrition – a key first step toward reconciliation."

Health Commissioner Bassett’s board tenure ended in December but she said diversity at the cancer center remains a concern.

“I think that there's been a missed opportunity to make this a truly great institution," said Bassett, who teaches public health at Harvard. "It could be one that regains the trust and confidence of a community that's literally at its doorstep.”

The hospital has its defenders, including Assembly Majority Leader Crystal Peoples-Stokes, D-Buffalo.

“Roswell Park’s history of challenges regarding diversity and discrimination needs to be addressed,” she emailed. “I believe in Dr. Johnson’s leadership, and together with outside consultants and the board of directors, I believe they collectively possess the desire, willingness and tenacity to effectively and systemically bring about change.”

James Pitts, the former Common Council president who serves as executive director of Buffalo's African American Cultural Center, compared the situation to a family intervention that, while difficult, is needed to mend Roswell Park's relationship with the community. He also called for the administration to act transparently.

“The confidence that I would have in them would grow tremendously,” Pitts said, “if they would release the report, set up some public meetings – first of all, allow the board to discuss it the way that they would like to discuss it, in an open forum – and confront that issue, confront whatever the issues are.”

### **Stephen T. Watson**

---

News Staff Reporter

I report on development, government, crime and schools in the northern Erie County suburbs. I grew up in the Town of Tonawanda and worked at the Post-Standard in Syracuse before joining The News in 2001. Email: [swatson@buffnews.com](mailto:swatson@buffnews.com)

### **Jon Harris**

---

Reporter

I'm a Genesee County native and Syracuse University grad who covered business at the (Binghamton) Press & Sun-Bulletin and at The Morning Call in Allentown, Pennsylvania. I joined The Buffalo News in September 2021, covering the business of health care.