



## Human Rights Commission Meeting

Tuesday, October 15, 2024 at 6:00 PM

### Agenda

#### **ACCESS INFORMATION:**

- A. This meeting will be held on Tuesday, October 15th at 6:00 PM. Location: City Council Chamber
- B. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/83935116963>
- C. Public may comment through email: [dnewton@watertown-ma.gov](mailto:dnewton@watertown-ma.gov)

- 1. Call to Order
- 2. Roll Call
- 3. Acceptance of Minutes
  - A. Minutes 9.9.24
- 4. Confirmation of Co-Chairs
- 5. Discussion
  - A. Participation in Massachusetts Human Rights Commission
  - B. Community Table at Watertown Farmer's Market on 10/23
  - C. Update on Community Table at Faire in the Square
  - D. Meet Your HRC Event with World in Watertown
  - E. Co-Sponsoring Disability Awareness Event with Watertown Free Public Library on 11/2
  - F. Screening of Borderland: The Line Within with Watertown Free Public Library
  - G. Watertown Unity Breakfast
- 6. Committee Report
  - A. Rules Committee
- 7. Municipal Policy Analyst's Report
- 8. Public Comment
- 9. Adjournment

Human Rights Commission Meeting Minutes  
September 9, 2024

1. Call to Order

Municipal Policy Analyst Doug Newton called the meeting to order at 6:07 PM.

2. Roll Call

Present were Commission Members Corey Barr, Melvin Poindexter, Sarah Zoen, Xin Peng, Lisa Laplante, Susan Musinsky, and Elizabeth Brusie. Also present were Commission Liaisons Captain Dan Unsworth from the Watertown Police Department and Dr. Ceronne Daly from the Watertown Public Schools.

3. Election of Officers

Several members began by withdrawing themselves from consideration for the role of Chair, Vice, Chair, or Secretary. Susan Musinsky noted the importance of hearing from each member about their interest or lack thereof in a leadership position. Melvin Poindexter noted the importance of gender balance between the leadership roles. There was discussion of having two co-chairs instead of one chair, which Doug Newton conveyed he will report back as to if that is allowed. Ultimately, the Commission voted unanimously to approve Sarah Zoen as Chair, Melvin Poindexter as Vice Chair, and Elizabeth Brusie as Secretary.

4. Discussion

a. Community table at Faire in the Square

The Commission discussed having a document to distribute as a handout to the public from its table. Doug Newton pulled up a draft document from Xin Peng and each Commission member had the opportunity to suggest edits and additions. The Commission unanimously agreed to change the future tense use in the document to present, to add Doug Newton's email as a contact, to eliminate the second page of the document, and to add language noting that the Commission is still in the process of developing a process for addressing concerns or complaints from the public.

b. Membership to the International Association of Human Rights Agencies

Lisa Laplante suggested that the Commission should explore the possibility of joining the International Association of Human Rights Agencies and will inquire on how much it would cost to do so.

- c. Update on bylaw research and discussion on next steps for drafting WHRC rules of procedure

Lisa Laplante explained that she has had one of her law students serve as a research assistant who produced a memo on rules and bylaws used by Human Rights Commissions in other communities. She noted that Watertown's Human Rights Commission needs to be mindful that it has no power to resolve grievances whereas some other Commissions do. The Commission voted to approve the creation of a Rules Committee to examine this research and to present draft rules to the full Commission. The Rules Committee is to consist of Lisa Laplante, Elizabeth Brusie, and Corey Barr.

- d. Community table at Farmers Market 10/23

Some members expressed that they will likely be able to help with the table. This matter will be revisited at the October meeting.

- e. Plan to work with World in Watertown for a "Meet your HRC" event

Discussion began as to how the HRC could be involved in planning for such an event while remaining in compliance with the Open Meeting Law. This topic will also be revisited in the future.

- f. Representative & sponsorship for Watertown's 2025 Unity Breakfast

Xin Peng conveyed that this would be a great opportunity for Commission members to help sponsor and mentor younger residents. Discussion began as to if the Commission can use its budget to sponsor such an event. Doug Newton said that he will report back.

Dr. Ceronne Daly spoke to the importance of engaging students and highlighted several examples in which the Watertown Public Schools have engaged students in matters related to human rights.

- g. Future meeting topics

Sarah Zoen and Mel Poindexter agreed they will touch base with Doug Newton about the next agenda.

## 5. Date of Next Meeting

The Commission will meet on the second Monday of each month unless it is a holiday, which is the case for each of the next two months. The Commission agreed to meet on October 15<sup>th</sup> and November 19<sup>th</sup>.

## 6. New Business

Resident Russel Arico spoke to the Commission about his suggestion that they investigate if the City's recent snow removal ordinance is a human rights violation in that it mandates disabled residents to shovel.

7. Adjournment

The meeting adjourned at 7:26 PM.

## **Policy/Purpose of the Commission**

### 2.104.010 - Policy of the City of Lawrence

It is the policy of the City of Lawrence to uphold the human rights of all persons in Lawrence, and the free exercise and enjoyment of any rights and privileges secured by the Constitutions and laws of the United States and the Commonwealth of Massachusetts. This policy shall provide that each person, regardless of race, color, religious creed, national origin, sex, age, handicap, ancestry or economic status,

### Section 2. Policy of the Town of Arlington

A. "It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equitable treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.

B. It is the policy of the Town to protect every individual in the enjoyment and exercise of their human and civil rights and to encourage and bring about mutual understanding and respect among all people who live, work, visit and travel within the Town.

C. It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, bias, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin,

### Section 1. Policy of Barnstable County

It is the Policy of Barnstable County to promote equal opportunity for all persons of Barnstable County regardless of race, color, religious creed, national origin, gender, age, ancestry, sexual or affectional preference, marital, family or military status, source of income, neighborhood or disability, where

### 12-9.1 Policy.

It is the policy of the City of Boston to assure that every resident shall have equal access to and benefit from all public services, to protect every resident in the understanding and respect among all residents of the city. It is clear that behavior which denies equal treatment to any of our citizens as a result of their religious creed, race, color, sex, gender identity or expression, age, disability, national origin, ex-offender status, prior psychiatric treatment, sexual orientation, military status, marital status or parental status, or

#### Sec. 2-137. Policy of the City of Pittsfield.

(a) Purpose and intent. It is the finding of the City of Pittsfield that no individual should be denied equal treatment or opportunity as a result of his or her age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, source of income, sex or sexual orientation.

(b) Policy. It is the policy of the City of Pittsfield to uphold the human rights of all persons in Pittsfield and the free exercise and enjoyment of any and all rights and privileges secured by the Constitution, laws, ordinances and regulations of the United States, the Commonwealth of Massachusetts and the City

#### Sec. 12-50. Policy of the city.

a) It is the policy of the city to see that each person regardless of race, color, religious creed, national origin, sex, age, disability, ancestry, or sexual orientation, or gender identity or expression, shall have equal opportunity in or access to employment, housing, education, and public accommodations; to assure that each person shall have equal access to and benefit from all public services and licensing; to protect each person in the enjoyment of his/her civil rights; and to encourage and bring about mutual understanding and respect among all persons in the city by the elimination of unlawful discrimination.

#### Section 12. Human Relations Commission

12.2 The purpose of the Commission shall be to deal with the causes of intergroup disunity which underlie the urban crisis, including, but not limited to, the elimination of conditions of bias discrimination and prejudice against minority groups, and to establish affirmative action programs to

#### Sec. 2-237. - Human rights policy

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that:

All people have certain inalienable rights, including the rights to life, liberty, property, the pursuit of happiness and equal justice under the laws of the United States, the commonwealth and the city.

No person in our city shall have these rights constrained, reduced, ignored or violated; all people in our city shall be protected in the exercise of these human and civil rights.

#### 9.28.010 - Policy of the City of Revere

A. It is the policy of the City of Revere to advance the human rights of all people and to promote understanding among individuals and groups through the methods and mechanisms provided in this chapter.

## SECTION 2:00 - PURPOSE

The Commission shall work toward achieving mutual respect and understanding among all individuals and groups in the City of Lynn, through improving the quality of public discourse and eliminating

### 2.76.020 - Purpose.

The Cambridge Human Rights Commission shall work with the City Manager and/or their assistants on matters pertaining to the human rights of all City residents. The main purpose for which the ordinance

### Section 1. Purpose

The mission of The Boston Human Rights Commission is to enforce Human Rights, to engage in relationships and partnerships that embody the principles of dignity and respect, and to create a culture of

## Definitions

### 2.76.030 - Definitions.

1. "Age" means the actual or supposed chronological age of an individual eighteen years or older.
2. "Bona fide occupational qualification" means a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status or source of income that is a requirement for employment and has been certified as such by the Cambridge Human Rights Commission (referred to in this chapter as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. "Disability" means a physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such impairment, or being regarded as having such impairment.
4. "Discrimination" means a policy or practice that by design or effect segregates, creates unequal status, separates or has a disproportionate impact on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status or source of income.
5. "Educational facility" means any person, whether organized for profit or not-for-profit, that holds itself out to the public as providing instruction in the arts, sciences, trades or any other area of learning.
6. "Family structure" means a single person, or two persons, or a lawful consensual non-monogamous or lawful consensual multi-partner family structure which may include one or more parents, stepparents or legal guardians of a minor child or children and/or two or more consenting adults in a multi-partner and/or multi-parent family structure, including stepparents, multi-generational and/or other non-nuclear families.
7. "Family status" means the actual or supposed condition of having minor children living with the individual or not.
8. "Gender Identity" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the sex assigned at birth. Nothing contained in this chapter shall be construed to include or apply to any place of accommodation that is by its nature distinctly private; provided, that where public use is permitted that use shall be covered by this chapter and further provided, that an establishment that has membership requirements but otherwise qualifies as a public accommodation shall be deemed a public accommodation for the purpose of this chapter if its membership requirements: (1) consist only of the payment of fees or dues; (2) consist of requirements under which a substantial portion of the residents of or visitors to the City could qualify; or (3) consist primarily of a discrimination or exclusion based upon race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, relationship status, family structure, gender identity, marital status, family status, military status or source of income.
14. "Real estate transaction" means any intercourse among any persons that involves a building, structure or portion thereof, or parcel of land, developed or undeveloped, whether privately owned or owned by a

#### Section 4. Definitions

A. The terms referencing the basis for discrimination as cited in Section 2 of this Article are as defined below or in applicable state and federal law, including but not limited to G.L. c.12 Sections 11H and 11I, c.93 Section 102, c.151b, the Civil Rights Act of 1964, as amended (42 USC Section 2000d et seq), the Age Discrimination in Employment Act of 1967, as amended (29 USC Section 621 et seq), the Americans with Disabilities Act (42 USC Section 1210 et seq), the Rehabilitation Act of 1974, as amended (29 USC Section 794), the Civil Rights Act of 1991 (PL 102 166), and the Equal Credit Opportunity Act (15 USC 1601 et seq).

B. The term "person" includes, but is not limited to, one or more individuals, partnerships, associations, agencies, corporations, legal representatives, trustee, trustees in bankruptcy and receivers, the Town of Arlington, federal or state political subdivisions, boards, committees and commissions, or employees thereof.

C. The term "religious views" shall encompass a belief in a specific set of religious beliefs, as well as a disbelief or skepticism about any or all religious beliefs.

D. The term "family status" refers to the actual or supposed condition of having or not having children.

E. The term "marital status" refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.



## 12-9.2 Definitions.

As used in this section the following terms shall have the meanings as indicated unless a different meaning clearly appears from the context:

*Age* shall mean any persons between the ages of forty (40) and sixty-five (65).

*Bona fide occupational qualification* shall mean a valid consideration of race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, ex-offender status, prior psychiatric treatment, military status, or source of income which is a requirement for employment and has been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts general Law.

*Bonding transaction* shall mean the furnishing of a performance, fiduciary or other form of bond to any person.

*Commission* shall mean the Human Rights Commission.

*Credit transaction* shall mean the open or closed end grant, extension, denial or termination of credit to any individual.

*Disability* shall mean a condition which causes a physical or mental impairment which limits, or is regarded as limiting one or more major life activity.

*Educational facility* shall mean any person, whether organized for profit or not-for-profit, that holds itself out to the public as providing instruction or training in the arts, sciences, trade or any other area of

*Ex-offender status* shall mean (i) the condition of having been arrested, detained, or accused of any violation of law which no conviction resulted, or (ii) a final conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbing the peace, or (iii) any conviction of a misdemeanor where the date of such conviction or completion of any period of incarceration resulting therefrom, whichever date is later, occurred five (5) or more years prior to the date of the exercise of any right or privilege under this Chapter, unless such person has been convicted of any offense within five (5) years immediately preceding the exercise of any right or privilege under this Chapter.

*Executive Director* shall mean the Executive Director of the Boston Human Rights Commission as established by this Chapter.

*Gender identity or expression* shall mean and include a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression whether or not that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with a person's sex at birth.

*Insurance transactions* shall mean the sale, grant or other provision of insurance to any person.

*Labor organization* shall mean any organization which exists and is constituted for the purpose, in whole or part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

*Marital status* shall mean the actual condition of being or having been married, separated or divorced or the condition of being single.

*Public accommodation and service* shall mean any place, business, facility or other establishment of whatever kind, or agency, whether owned privately or by a public agency which caters or offers services, facilities or goods to or is intended for the use or convenience of the general public whether for a charge or fee or not. Nothing contained herein shall be construed to include or apply to any place, business, facility or other establishment which is by its nature distinctly private, except that when such establishment caters or offers services to the general public, it shall be deemed a public accommodation during such period.

*Respondent* shall mean a person against whom a complaint has been filed pursuant to this Chapter.

*Sexual orientation* shall mean actual or supposed homosexuality, heterosexuality, or bisexuality by

## 9.28.020 - Definitions

As used in this chapter, the following words shall mean:

“Age” the length of time that a person has lived, measured from the date of birth.

“Ancestry” one’s family or ethnic descent.

“Disability” a condition which causes a physical or mental impairment which limits, or is regarded as limiting, one or more major life activity.

“Ethnicity” the social group a person belongs to, and either identifies with or is identified with by others, as a result of a mix of cultural and other factors including language, diet, religion, and ancestry.

“Gender” one’s actual or perceived identity in relation to one’s concept of self as male, female, a blend of both, or neither. One’s gender identity may be different from their sex assigned at birth.

“Marital status” actual or supposed condition of being or having been married, separated, or divorced, or the condition of being single.

“Military status” condition of being or having been in the service of the military.

“National origin” a person or their ancestor’s country of birth, tribe, or other identifiable group of people from which a person descends

## Function, Duties & Powers

### Section 5. Functions, Powers & Duties of the Commission

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

A. To initiate activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry through the following actions:

1. To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military or veteran status.
2. Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to identifying, educating, eliminating prejudice, bias, intolerance, bigotry and discrimination and showing the need for mutual respect and fair and equitable treatment in the Town.
3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy of this Bylaw.
4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy and goals of this Bylaw.
5. Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees

### Section 3. HRC Policies and Procedures

- A. All HRAC meetings shall comply with the requirements of the Massachusetts Open Meeting Law.
- B. HRAC appointees shall meet as soon as practical following their initial confirmation to select a Chair and Vice Chair. Elections shall be held in January each year thereafter.
- C. The HRAC shall meet no less than four times per year.
- D. The HRAC:
  1. Shall serve in an advisory capacity to the Human Rights Coordinator.
  2. Shall assist the Human Rights Coordinator to engage with Advisory Commission Member communities.
  3. Shall assist the Human Rights Coordinator with internal programmatic strategic planning and goal

#### 9.28.40 - Functions and duties of the Commission

A. The Commission is charged to cultivate understanding among residents about the effects of prejudice, intolerance, and bigotry. Towards this end, the Commission may hold and advocate activities, meetings, programs, and discussion forums and/or workshops as the Commission shall determine, that:

1. Study the problems of discrimination, receive and consider input from community members who raise discrimination concerns, and make recommendations in accordance with 9.28.050 of this chapter to promote good will and minimize prejudice, intolerance, bigotry, discrimination, and disorder occasioned thereby.
2. Improve the life of the City by working with community-oriented groups on cultural programs and campaigns to increase mutual self-respect, harmonious inter-group relations, and the peaceful enjoyment of life for all.
3. Work with municipal government agencies to foster compliance with local, state, and federal laws, and to raise the level of awareness and sensitivity to human and civil rights.
4. Speak out against all forms of discrimination, hate-motivated violence, or civil rights violations.

B. The Executive Director may consult with the Commission as a resource for municipal departments and agencies needing advisory input on matters of diversity, equity, and inclusion.

C. Raise funds for the use of the Commission and accept money, gifts, and services for its exclusive use and expend the same

#### 12.3 The duties and functions are as follows.

12.3.1 The Commission shall advise and consult with the Mayor on all matters involving prejudice or discrimination due to protected class status.

12.3.2 The Commission shall render an annual report to the Mayor and the City Council.

12.3.3 The Commission invite and encourage the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, veterans organizations, and other groups in the City of Framingham in carrying on its work. The Commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community.

12.3.4 The Commission shall request and obtain such cooperation, assistance and data from City departments as may be reasonably necessary to carry out its work.

12.3.5 The Commission shall receive and investigate complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, religious creed, sex, age, handicap, national origin or ancestry and may conduct public hearings with regard thereto; obtain factual data and conduct public hearings to ascertain the status and treatment of the diverse minority groups in the City, and shall make recommendations as to the best means of progressively improving human relations in the City, and publish its findings of fact and recommendations in accordance with this Bylaw.

12.3.6 A complaint charging that any person has engaged or is engaging in any discriminatory practice

12.3.9 If upon all the evidence presented, the Commission finds that the person charged with the complaint has not engaged or is not engaging in any discriminatory practice, it shall state its findings of fact and dismiss the complaint. If upon all the evidence presented, the Commission finds the respondent has engaged or is engaging in a discriminatory practice, it shall attempt to eliminate the discrimination by

Sec. 2-141. Function, powers, and duties of the commission.

[Ord. No. 666, § 1, 10-29-1990; Ord. No. 701, § 1, 4-29-1992]

The function of the Commission shall be to implement the policy of this article by the exercise of the following powers and duties.

(Reserved) [1] Editor's Note: Former Subsection (1), regarding receiving and investigating complaints, was repealed 4-10-2018 by Ord. No. 1203, § I.

(Reserved) [2] Editor's Note: Former Subsection (2), regarding attempting mediation, was repealed 4-10-2018 by Ord. No. 1203, § I.

(Reserved) [3] Editor's Note: Former Subsection (3), regarding making a written report and recommendation, was repealed 4-10-2018 by Ord. No. 1203, § I.

(4) To issue such publications and such results of investigations and research as in its judgment will tend to promote goodwill and minimize or eliminate discrimination because of race, color, religious creed, national origin, sex, marital status, handicap, age, or ancestry; provided, however, that publication or results of investigation or research shall be issued pending the investigation or the outcome of a criminal trial in which a member or members of the Pittsfield Police Department or other police agencies of the Commonwealth of Massachusetts or federal police agencies are involved, provided that publication or results of investigation or research may be issued after the termination of any such trial process in any District Court of Berkshire County or after the conclusion of any such trial in the Berkshire Superior Court, and then only through the office of the mayor. [Ord. No. 1203, § I, 4-10-2018]

(5) To cooperate with federal, state, and city agencies, including the school department and the MCAD, in developing courses of instruction for presentation in public and private schools, public libraries, and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination and showing the need for mutual self-respect and the achievement of harmonious intergroup relationship in

SECTION 3:00 - FUNCTION

The functions of the Commission are as follows:

- 1) to improve the life of the City by enlisting community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations, and the peaceful enjoyment of life in our diverse community;
- 2) to educate persons in the City who believe that their human or civil rights, as defined by existing local, state, and federal laws, have been violated in Lynn;
- 3) to work with municipal government departments, the School Department, commissions, and boards, to increase education with appropriate local, state, and federal laws, and to raise the levels of awareness and sensitivity to human rights issues in municipal business with the public.

## SECTION 9:00 - ALLEGATIONS OF DISCRIMINATION – POWERS AND DUTIES

(A) The function of the Commission shall be to implement the policy of this Ordinance by receiving complaints of discrimination, mediating complaints, educating citizens as to their legal rights with respect to complaints of discrimination and presenting written findings to the Mayor and Lynn City Council as well as making written recommendations to complainants and any other party as to which if any governmental agencies such as the Massachusetts Commission Against Discrimination. to whom they should seek relief. (B) The Commission shall exercise its authority through the following powers and duties:

### Sec. 2-242. - Human rights commission functions.

(a)The first function of the commission shall be to improve the life of the city by enlisting community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations, and the peaceful enjoyment of life in our diverse community.

(b)The second function of the commission shall be to respond to complaints by persons in the city who believe that their human or civil rights, as defined by existing local, state and federal law, have been violated in Somerville.

### Sec. 2-243. - Human rights commission duties.

The powers and duties of the commission shall include the following:

(1)To obtain information and documents, request staff support and other help as necessary from other city departments, including the school department.

(2)To publish reports and other documents.

(3)To initiate investigations into the existence of unlawful discrimination in the city which may deny or tend to deny equal access or opportunity in matters of housing (except as covered by the Somerville Fair Housing Ordinance, sections 7-41 through 7-48), employment, education, contracts, purchasing or public accommodations, on the basis of: age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, sexual orientation or source of income; and in connection therewith to hold administrative hearings.

(4)In order to properly conduct its investigations the commission shall have the power to:a.Summons witnesses (pursuant to M.G.L.A. c. 233, § 8);b.Administer oaths;c.Serve written interrogatories;d.Reserved.e.Take testimony under oath;f.Require the production of evidence;g.Publish findings;h.Insert complaints and resolutions into municipal personnel files, consistent with the several collective bargaining agreements; andi.Recommend actions to the mayor.

(5)To attempt by negotiation to resolve all complaints that come before it and recommend to all appropriate governmental agencies, federal, state or local, such action as it feels will resolve such complaint

#### 2.104.030 - Functions, duties, and powers.

To uphold and secure the mandates, rights, privileges of its policy, the Lawrence Human Rights Commission shall be guided by these functions, duties and powers:

- A. To enlist the cooperation of racial, ethnic, civic, fraternal, benevolent, private and public agencies in eliminating discrimination and promoting better relations between all sectors of the community by cultivating an atmosphere of mutual understanding and harmonious intergroup relationships;
- B. To encourage community participation in policy making relevant to housing, education, public safety, employment, community development and all other areas that touch on the lives of citizens of Lawrence, and institute and conduct educational programs to encourage the granting of equal rights and opportunities to all persons, regardless of their race or political or religious opinions or affiliations;
- C. To initiate investigations and hold hearings into the existence of unlawful discrimination or harassment which may deny or tend to deny equal access to, or opportunities in housing, employment, education, public accommodations, services and facilities to any person or group;
- D. To offer a hearing to any person or group with a human rights grievance and to investigate any such grievance;
- E. To resolve matters of unlawful discrimination whenever possible through mediation, but when this is not possible and after investigation of any such matters, to forward a written report of its findings and recommendations to the mayor, the city council, and any other body the commission deems appropriate;
- F. To hold hearings in the course of investigations of unlawful discrimination; with the power of

#### 2.76.140 - Investigation of discrimination—Powers and duties.

- A. The function of the Commission shall be to implement the policy of this chapter by receiving and investigating complaints of discrimination, initiating its own investigations of discrimination, mediating complaints, holding hearings and presenting findings to the City Manager and/or government agencies such as the Massachusetts Commission Against Discrimination or the courts.
- B. The Commission shall exercise its authority through the following powers and duties:
  - 1. To receive and investigate complaints and to initiate its own investigations of violations of this chapter;
  - 2. To transmit for filing with other government agencies copies of any and all complaints filed with the Commission, or which the Commission is otherwise aware, that relate to acts of discrimination under the jurisdiction of such agencies;
  - 3. To attempt by mediation to resolve any discrimination complaint over which it has jurisdiction and to recommend to all appropriate government agencies such action as it feels will resolve any such

## Sec. 12-53. Function, powers, duties.

The function of the commission shall be to implement the policy of this article by the exercise of the following powers and duties:

- (a) To enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations, and other groups in eliminating unlawful discrimination and showing the need for mutual self-respect and the achievement of harmonious intergroup relationships in the city.
- (b)(1) To initiate investigations into the existence of unlawful discrimination in the city which may deny or tend to deny equal access to or opportunity in housing, employment, education, and public accommodations, services and facilities to a person or group because of his/her race, color, sex, age, handicap, religious creed, national origin or ancestry or sexual orientation, gender identity or expression and in connection therewith to hold hearings.
- (2) To subpoena witnesses, compel their attendance, administer oaths, serve written interrogatories, take testimony of any person under oath, and require the production of any evidence and/or answers relating to any matter in question or under investigation before the commission. The powers enumerated in this subparagraph (b)(2) may be exercised by a vote of two-thirds (2/3) of the members of the commission only, and in accordance with G.L. Chapter 233, Sections 8 through 11.
- (c) To attempt by mediation to resolve any matter over which it has jurisdiction and after investigation of any matter not resolved by mediation, to make written report of its findings and recommendations to the

### 12-9.11 Powers and Duties of the Commission.

The Commission shall study the problems of discrimination in the City and shall make such recommendations to the Mayor and the City Council, as in its judgment will effectuate the policy of this Chapter.

The Commission may, on its own behalf, issue a complaint, upon a reasonable belief that a person has engaged in an unlawful discriminatory practice.

The Commission shall have the power to conduct hearings, subpoena witnesses, compel their attendance, including but not limited to filing contempt proceedings with Superior Court, administer oaths, take the testimony of any person under oath and in connection therewith to require the production for examination of any documents, books, papers, or evidence relating to any matter in question or under investigation by the Commission. The Commission may delegate any of its hearing powers to individual Commissioners or members of the Commission staff. Subpoena power shall be exercised by the Chairperson of the Commission, or his or her designee, upon majority vote of the Commission. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be represented by counsel.

The Commission shall have the power to issue publications, results of investigations and research as in

## Section 2. Powers and Duties of the Commission

1. The BHRC shall study the problems of discrimination in the City and shall make recommendations to the Mayor and the City Council.
2. The Commission shall act in areas of policy, rulemaking, and oversight of the BHRC's functions.
3. The Commission is expected to make decisions related to the BHRC's overall goals and objectives; as well, it is expected to set rules or guidelines at high level.
4. The Commission must determine and approve the ends to which the Commission seeks to achieve.
5. The Commission makes policy, rules, and decisions through the formal voting process.
6. Issue a complaint, on its own behalf, upon belief that a person has engaged in unlawful discriminatory practice.
7. Conduct hearings.
8. Subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath.
9. Delegate its hearing powers to individual commissioners or members of the Commission staff.

## **Complaint Resolution Procedures**

### Section 7. Complaint Resolution Procedures

A. Any person or class of persons claiming to be aggrieved by an alleged violation of this Bylaw shall make, sign and file with the Commission a verified complaint in writing which shall state the particulars and other such information as may be required by the Commission, including, if known, the name and address of the person alleged to have committed such violation. The Commission may also, on its own, issue a complaint whenever it has reason to believe that any person has engaged in a practice that violates this Bylaw.

B. No complaint shall be considered unless it is filed within four months after the occurrence of the practice alleged to violate this Bylaw, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been filed in a timely manner with either or both agencies.

C. The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum

1. If such Commissioner(s) determine(s) after such investigations that cause does exist to support the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from such Commissioner(s), the Commission shall forthwith endeavor by mediation to eliminate the practice that violates this Bylaw.

The Commission and its staff shall not disclose the terms of informal mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process.

2. In the case of such a finding under Section VII.E.1., as part of the informal mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public. pursuant to G.L. c.233 Section 23C.

## 2.76.150 - Complaint resolution procedures.

Any person or class of persons claiming to be aggrieved by an alleged violation of this chapter may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the person alleged to have committed such violation and the particulars and other such information as may be required by the Commission. The Commission may also on its own motion issue a complaint, whenever it has reason to believe that any person has engaged in an unlawful practice in violation of this chapter.

No complaint shall be considered unless it is filed within one hundred eighty days after the occurrence of the alleged unlawful practice, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been timely filed with either or both agencies.

The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. Nor shall filing or failing to file a complaint with other federal, state or city agencies or courts bar. In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety days have passed from commencement of mediation, or if probable cause exists that a conciliation agreement has been violated, the Commission shall issue and serve in its name a written notice, together with a copy of the complaint, requiring the person named in the complaint (hereinafter called the "respondent") to answer the charges of the complaint at a hearing of the Commission at a reasonable time and place specified in such notice. The respondent may file a written verified answer to the complaint and appear at such hearing in person, with or without counsel, and submit testimony. The Commission may designate a staff member to present evidence on behalf of the complainant or may permit the complainant to do so themselves or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in the courts. The testimony taken at the hearing shall be under oath and recorded and shall be transcribed at the request of any party.

If, upon all the evidence, the Commission shall find that a respondent has not engaged in any unlawful practice or violation of this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such respondent.

## SECTION 10:00 COMPLAINTS RESOLUTION PROCEDURES

(A) Any person or class of persons claiming to be aggrieved by an alleged violation of this Ordinance may make, sign and file with the Commission a complaint in writing which shall state the name and address of the person alleged to have committed such violation and the particulars as may be required by the Commission.

(B) The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. Nor shall filing or failing to file a complaint with other Federal, State or City agencies or courts bar the complainant from seeking relief through the Commission.

(D) After the filing of any complaint, the Chairperson of the Commission shall designate a Review Committee of one or more of the Commissioners to informally meet with the complainant to educate him/her with respect to his/her avenues to resolve the complaint.

### 12.3 The duties and functions are as follows.

12.3.5 The Commission shall receive and investigate complaints of tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, religious creed, sex, age, handicap, national origin or ancestry and may conduct public hearings with regard thereto; obtain factual data and conduct public hearings to ascertain the status and treatment of the diverse minority groups in the City, and shall make recommendations as to the best means of progressively improving human relations in the City, and publish its findings of fact and recommendations in accordance with this Bylaw.

12.3.6 A complaint charging that any person has engaged or is engaging in any discriminatory practice may be made by the Commission itself or by an aggrieved individual. The term "person" as used in the Bylaw shall include one or more individuals, partnerships, associations, corporations, legal representatives, trustees, and the City and any of its departments, divisions, boards, officials, agents and employees. A complaint must be filed with the Commission within forty-five (45) days after the alleged discrimination.

12.3.7 The Commission shall make a prompt and full investigation of each complaint of all such unlawful practices as defined in the Massachusetts General Laws, Chapter 151B, Section 4.

12.3.8 If the Commission determines after investigation that probable cause exists for the allegations

## 12-9.12 Procedures.

Any person claiming to be aggrieved by an alleged discriminatory practice under this ordinance or claiming to represent an aggrieved person, may, by her or himself or her or his attorney, file with the Commission a verified written complaint. The Complaint shall state the name and address of the person alleged to have committed the discriminatory practice and shall set forth in detail the particular circumstances. The complaint shall be amended to include additional information as required by the Commission. No complaint shall be considered unless it is filed with the Commission within one hundred eighty (180) days after the occurrence of the alleged discriminatory practice, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been timely filed with either and or both agencies. The Executive Director shall forthwith transmit a copy of the complaint to the respondent by hand or by certified mail return receipt requested.

The Commission shall not accept a complaint from any person who has filed a complaint with the Massachusetts Commission Against Discrimination with respect to the same grievance unless requested by the Massachusetts Commission Against Discrimination to do so.

Upon receipt of a duly filed complaint, the Executive Director shall cause a prompt investigation to be made in connection therewith. After completing the investigation, the Executive Director shall file a written report containing a recommendation concerning the disposition of the matter with the Commission.

~~Under no circumstances may a report reflect bias where a respondent has exercised his or her~~  
The respondent may file in person or otherwise a verified written answer to the complaint and appear at such a hearing in person, with or without counsel. The Executive Director or his or her designee shall present evidence at the hearing. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law. The testimony, however, shall be under oath and shall be recorded upon the request of either party. Each party respondent may appear at such hearing in person or by a duly authorized representative. Each party may present testimony and evidence.

Each party shall have the right to cross-examine adverse witnesses.

If upon all the evidence, the Commission finds that a respondent has not engaged in any such discriminatory practice or violation of a conciliation agreement, the Commission shall issue and transmit to the complainant and the respondent, by hand or by certified mail return receipt requested, an order dismissing that complaint as to such respondent.

If, upon all the evidence presented at the hearing, the Commission determines that a respondent has engaged in any discriminatory practice as defined in this ordinance or has violated a conciliation agreement, the Commission shall issue an order stating its findings of fact and order for resolving the complaint.

The Commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.

If a finding is made that a respondent has engaged in a discriminatory practice or violated a conciliation agreement, the Commission shall make a written report of its findings and recommendations to the Mayor and the City Council, with a copy to the Corporation Counsel, on any matter within his or her jurisdiction for review and implementation or to the Massachusetts Commission Against Discrimination

## **Relations with other Agencies**

### Section 6. Relations with Town Agencies

A. The Commission, School Department, Community Safety Department and all other Town departments, agencies, boards and commissions shall work cooperatively to effectuate the policy of this Bylaw.

B. So far as practicable and subject to the approval of the Town Manager, or, in the case of the School Department, the Superintendent of Schools, the services of all other Town departments, agencies, boards and commissions shall be made available to the Commission for effectuating the policy of this Bylaw.

The head of any department, agency or other commission shall furnish information in the possession of such department, agency or commission where such information relates to the duties and responsibilities of the Commission.

### 9.28.070 - Relations with City agencies

A. So far as practicable and subject to the approval of the Mayor, the services of any City department, agencies, and commissions shall be made available to the Commission for the purpose of effectuating the

### Sec. 2-143. Relations with city agencies.

[Ord. No. 666, § 1, 10-29-1990; Ord. No. 1203, § I, 4-10-2018]

So far as practicable and subject to the approval of the mayor, or in the case of the school department, the school committee, the cooperation of all other city departments, agencies, and commissions shall be made available to the commission for effectuating the policy of this article, provided such cooperation shall not be construed to mean provision of direct staff services for powers under this article.

The head of any department, agency, or other commission shall furnish information in the possession of

### SECTION 8:00 – COOPERATION WITH OTHER GOVERNMENTAL AGENCIES

The Commission shall work with Federal, State and City agencies, including, but not limited to the Lynn School Department and the Massachusetts Commission Against Discrimination, the City of Lynn Disability Commission, the Lynn Housing Authority and Neighborhood Legal Services in developing

### 2.76.130 - Cooperation with other government agencies.

The Commission shall work cooperatively with federal, State and City agencies, including, but not limited to the School Department and, the Massachusetts Commission Against Discrimination, in developing materials, workshops, public presentations and other educational resources designed

## Advisory Counsel

### 2.104.050 - Advisory council of human rights commission

A. *Establishment and appointments.* There is established an unpaid advisory council to the commission consisting of 11 members, appointed by the commission, for terms of two years. For the initial appointments to the advisory council, the commission shall appoint members as follows:

Six members for a term of two years;

Five members for a term of one year;

Thereafter, the commission shall appoint each successor to a term of two years.

B. *Terms.* No member of the advisory council may serve for more than three consecutive terms. A member having served three consecutive terms must remain off the advisory council for at least one year before becoming eligible for reappointment. Appointments to unexpired terms shall not be counted as a term for the person appointed.

C. *Representation.* The above-said members shall be representative of the following and other areas of concerns that the human rights advisory council needs to formulate:

Law enforcement;

Recreation;

Education;

Clergy;

Housing;

Civil rights organizations;

Labor unions;

Business community.

Sec. 12-54. Advisory council.

a) *Establishment, appointment, term, meetings.* There is hereby established an unpaid advisory council to the commission consisting of twenty (20) members who shall be appointed by the mayor for terms of two (2) years. Six (6) of the above said members shall be representative of:

- (1) Law enforcement;
- (2) School department;
- (3) Clergy;
- (4) Fair housing or other appropriate civil rights organization;
- (5) Labor union;
- (6) Real estate.

*Appointments to unexpired terms shall not be counted as a term for the person appointed.* The advisory council shall meet at least four (4) times a year and shall be given notice of all commission meetings. The commissioner of health and human services shall be given notice of advisory council meetings and he/she or his/her designee shall have the right to be present.

*(b) Functions and duties.* It shall be the function of the council to assist and advise the commission in the

Sec. 2-245. - Human rights commission advisory council

(a) The commission shall establish an advisory council which shall provide general advice and counsel to the commission, as well as assistance in carrying out the policies of the commission.

(b) The advisory council shall be appointed by the members of the commission after a public process seeking as wide a representation of the population of the city as possible.

(c) The advisory council shall be composed of no fewer than nine and no more than 21 members. These members shall include representation from the business community, social service agencies, ethnic agencies, law enforcement agencies, clergy, labor, high school student governments, and other

## **Meetings**

### 2.104.020 - Commission established—Membership, term, officers, administration.

The commission shall meet at least 11 times a year at regular intervals. Five members of the commission shall constitute a quorum, and a majority of those present shall be sufficient for any action taken by the

### Sec. 2-139. Meetings.

[Ord. No. 666, § 1, 10-29-1990; Ord. No. 1142, § XXXVII, 9-29-2015]

In accordance with Article 10, Section 10-6(b) of the City Charter enacted by Chapter 72 of the Acts of

### SECTION 4:00 - MEMBERSHIP

The Commission shall meet at least once every sixty (60) days on Tuesday evenings and all meetings

#### Section 1. Regular meetings

The Commission shall hold regular monthly meetings. Regular meetings shall be open to the public, except as otherwise provided by law. The BHRC shall hold one regular meeting a month and comply with all public notification requirements as stipulated by state and city laws.

#### Section 2. Executive session

Meetings shall be convened in Executive Session when dealing with confidential matters such as, but not restricted to, individual matters, and disciplinary actions.

#### Section 3. Agenda

The agenda shall consist of items requested by the Chair, the Executive Director, or Commissioners.

#### Section 4. Attendance

Commissioners and the Executive Director shall attend meetings of the Commission regularly and participate actively in advisory committee meetings. Three (3) unexcused absences during a one-year period shall be recommended for removal. An unexcused absence is defined as an absence without notifying the Chair or Executive Director prior to the beginning of the Commission's regular monthly meeting. A Commissioner's absence shall constitute a "notified absence" where the Commissioner, in advance of the meeting, informs the Chair and Executive Director of the absence. An absence due to unforeseen circumstances such as illness or emergency shall also qualify as a notified absence where the Commissioner reports such absence to the Chair and Executive Director as soon as reasonably possible.

#### Section 5. Quorum and Action

A quorum shall consist of 4 Commissioners. Decision-making shall be subject to a majority vote of the Commissioners present, provided that a quorum has been established. When one or more minority views are expressed regarding a decision, minority opinions will be duly noted. All BHRC proceedings shall be

#### Section 7. Cancellation of Meetings

The Chair may cancel a regular meeting in the event that a quorum will not be present or if the meeting date conflicts with other responsibilities of the Commissioners. Notices of continued, rescheduled, or canceled meetings shall be posted.

#### Section 8. Conduct of Meetings

A. Public Participation. All Commission meetings and all committee meetings shall be open and public, and all persons shall be permitted to attend any meeting of the Commission.

B. Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item or prior to calling the next item on the agenda.

C. Registration to Comment. The Chair may request speakers who wish to address the Commission to submit a speaker card before or during the Commission agenda item upon which they wish to comment. The Chair shall

use speaker cards only as an aid to meeting management. The public has a right to address the Commission anonymously

D. Translation of Comments or Testimony. Where a speaker with limited English proficiency requires translation to comment or testify the time used for repeating comments or testimony in English shall not