

1 **FIRST REVISED DRAFT**

2 Submitted by: Bernard Greene, Martin Rosenthal, and Nancy Daly Cavanaugh

3 To see if the Town will amend the Town’s General Bylaw Section 3.14 with the following:

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5

**ARTICLE 3.14**

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**COMMISSION FOR DIVERSITY, EQUITY, INCLUSION, AND COMMUNITY RELATIONS**

7

**AND**

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**OFFICE OF DIVERSITY, EQUITY, INCLUSION, AND COMMUNITY RELATIONS**

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**SECTION 3.14.1 ESTABLISHMENT AND PURPOSE**

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This Bylaw hereby establishes the Commission for Diversity, Equity, Inclusion, and Community Relations (“Commission”) and the Office of Diversity, Equity, Inclusion, and Community Relations (the “Diversity Office”).

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(A) Brookline Values.

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Because the Town of Brookline values diversity, equity, and inclusion and amicable community relations based on those values in and for the Brookline community, the Commission, in coordination with the Diversity Office, shall work to support a welcoming environment by encouraging cooperation, tolerance, and respect among and by all persons, including Town residents, visitors, persons passing through the Town, employers, employees, and job applicants, and by advancing, promoting, and advocating for the human and civil rights of all through education, awareness, outreach, accountability, and advocacy.

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The Purpose of the Commission and the goal of the Town shall be to strive for a community characterized by the values of diversity, equity, and inclusion. The Town believes that diversity and inclusion based on equity will provide opportunities and incentives to all who touch Brookline to offer their energy, creativity, knowledge, and experiences to the community and to all civic engagements, including town government; and that diversity and inclusion based on equity is, therefore, a critically important government interest of the Town.

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Inclusion based on equity means actively pursuing goals of including, integrating, engaging, and welcoming into the community on an equitable basis all persons regardless of their race, color, ethnicity, gender, sexual orientation, gender identity or expression, disability, age, religion, creed, ancestry, national origin, military or veteran status, genetic information, marital status, receipt of public benefits (including housing subsidies), or family status (e.g., because one has or doesn't have children) (herein, “Brookline Protected Classes”).

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In striving to achieve the goal of inclusion, the Commission shall be guided by the following general principles: (1) the foundation of community is strong and positive community relations among and between all groups and individuals in the community, regardless of whether they are a member of a Brookline Protected Class; (2) the substance of community is the recognition of human rights principles as applicable to all persons; (3) justice in a community requires, at a minimum, monitoring and enforcing civil rights laws as they apply to all persons; and (4) the commitment of the Town to these principles requires vigorous affirmative steps to carry out both the word and the spirit of the foregoing.

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41 (B) The Commission.

42 The Commission shall consist of fifteen (15) residents, who shall be called Commissioners.

43 Commissioners shall be appointed by the Select Board and shall hold office for a period of not more than three  
44 (3) years with terms of office expiring on August 31 of an appropriate year in a staggered manner so that  
45 approximately one-third (1/3) of the terms of the Commissioners will expire each year. A Commissioner whose  
46 term is expiring is expected to submit their renewal application to the Select Board not later than August 1 of  
47 the expiration year. The term of a Commissioner who does not submit a renewal application in a timely manner  
48 shall expire on August 31 of that year. The term of a Commissioner who submits a timely renewal application  
49 shall then be extended until notified by the Town Administrator that the renewal application has been acted  
50 upon. If the application is denied, the term of that Commissioner shall expire five days after the date of the  
51 denial letter. If the application is approved, the term shall expire on August 31 of the year specified in the  
52 approval letter. The Select Board may appoint additional non-voting associate members (Section 3.1.5) as it  
53 determines to be necessary, which may include youth or persons who do not reside in Brookline but have a  
54 substantial connection to Brookline or to the Brookline Public Schools. The Select Board shall select one of its  
55 members to serve ex officio as a nonvoting member of the Commission. A quorum of the Commission shall  
56 consist of a majority of the voting members on the Commission, with a minimum of six.

57 The Select Board shall seek a diverse and inclusive group of candidates for the Commission, which may include  
58 youth. Candidates for Commissioner shall be qualified for such appointment by virtue of demonstrated relevant  
59 and significant knowledge, life experience, or training. The composition of the Commission shall include persons  
60 with the types of such knowledge, experience, or training necessary to enable the Commission to perform the  
61 duties assigned to it by this Bylaw. All Commissioners shall serve without compensation.

62 In the event of discontinuance of the service of a Commissioner due to death, resignation, or non-residency in  
63 the Town, such Commissioner’s successor shall be appointed to serve the unexpired period of the term of said  
64 Commissioner. The Commission may recommend to the Select Board candidates to fill such vacancies.

65 (C) Definitions.

66 (i) “Community Disruptions” shall mean situations that are not necessarily Discrimination but are (a)  
67 disrespectful, disruptive, or abusive, (b) directed at individuals or institutions in Brookline, (c) pose a risk  
68 of undermining community peace and harmony, and (d) are capable of being safely and appropriately  
69 resolved by using the dispute resolution tools of the Diversity Office. Individuals may ask the Director to  
70 assist in resolving such disruptions by filing a Complaint.

71 (ii) “Complaint” shall mean a written or oral allegation of an act of Discrimination or Community Disruption  
72 made to the Director or other Complaint recipient listed in rules or procedures issued pursuant to  
73 Section 3.14.2(G)(iii).

74 (iii) “Discrimination” shall mean invidious adverse differential treatment or impact based on membership in  
75 a Brookline Protected Class or violation of rights under federal or state civil rights laws.

76 (iv) “Plausibly Valid” shall mean a Complaint that presents a plausibly valid basis for action by the Town  
77 because it (a) alleges a significant harm to the complainant, (b) has a physical nexus with the Town of  
78 Brookline, (c) relates to a matter that is within the legal authority of a municipal government to address,

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(d) is not exclusively within the authority of another governmental or non-governmental body, and (e) is subject to this Bylaw.

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**SECTION 3.14.2 APPOINTMENT, ROLES, JURISDICTION, AND RESPONSIBILITIES OF THE DIRECTOR**

(A) The Diversity Office shall be led by a professional in the field of human relations, who shall be the Director of the Diversity Office (the "Director"). The Director shall also be professionally trained in matters of civil and human rights, community relations, and dispute resolution. The Director shall be a Department Head/Senior Administrator and shall report to the Town Administrator. In the event of a vacancy in the position of Director, the Town Administrator, after consultation with the Commission, shall recommend to the Select Board a replacement with appropriate qualifications. The Director shall have authority to bring matters directly to the Select Board, through the Chair of the Select Board if in the Director's professional judgement such matter needs the direct attention of the Select Board. If feasible, the Director shall consult with Town Counsel before taking a matter to the Select Board.

(B) The Director shall offer professional and administrative support to the Commission in the administration of its functions and policies under this Bylaw or any other Bylaw giving the Commission responsibilities.

(C) The Director's ~~roles-responsibilities~~ shall include acting-serving as the Town's chief diversity officer ~~and as an ombudsperson for Town employees or residents~~ to carry out the duties below in Section 3.14.2(F) and (G) in accordance with Section 3.14.1(A). ~~The Director's role generally shall be~~ to help create the policies and practices necessary for the Town to further evolve into a community based on the values of diversity, equity, and inclusion, and to help ensure that all residents and visitors enjoy the benefits of a friendly and harmoniously functioning community with a foundation of diversity, equity, and inclusion. To carry out those responsibilities, the Director ~~That role shall include~~ (1) ~~to provide a forum(s) develop in the Diversity Office the skills and resources required to facilitate for the harmonious resolution of Complaints and disputes arising from events occurring in Brookline,~~ (2) ~~to investigate Complaints brought to the Director and to devise a Resolution plan Plans to resolve for the Plausibly Valid Complaints that are deemed to present plausibly valid issues for Town action or make recommendations, solutions~~ to the appropriate Town authorities, (3) ~~to find and exercise appropriate remedies for such plausibly Plausibly Valid Complaints of Discrimination or inappropriate or troublesome behavior occurring in Brookline and experienced by a resident or visitor to the Town and to provide a means to address such Complaints and disputes in a non-adversarial manner, where possible,~~ (4) ~~to guide residents and others to the appropriate adversarial forums when necessary or preferred to resolve their Complaints or disputes,~~ and (5) ~~to address systemic issues in Town governance and operations, whether related to Complaints or not, that appear to impede diversity, equity, and inclusion and good-a harmoniously functioning community relations.~~

(D) When preparing the Town's budget, there should be included a reasonable line item at an appropriate location in the operating budget to be used by the Director and Town Counsel to engage independent professional assistance, if necessary and appropriate, to carry out the Director's investigatory duties described below, ~~to avoid ad-hoc budget transfers to cover such costs and to make the costs of this function transparent.~~ The Director shall consult with Town Counsel in identifying and engaging such professional assistance. In an appropriate case, the Director and Town Counsel may select a member of Town Counsel's office to serve as an independent fact finder. In addition, the Director's department budget shall also include line items in a sufficient amount to acquire resources and materials necessary to carry out the Director's dispute resolution and community and human relations responsibilities.

120 (E) The Director shall work with Town Counsel on matters that raise legal issues, such as enforcement of federal,  
121 state, or local civil rights laws or regulations, Open Meeting or Public Records laws, the legal authorities or duties  
122 of the Director or the Commission, or the engagement of independent investigators or fact finders.

123 (F) General Responsibilities and Powers.

124 (i) The Director shall use the staff and resources of the Diversity Office, as appropriate, to provide  
125 information, guidance, and dispute resolution services (including restorative justice) to all persons who  
126 believe that they have been ~~discriminated against~~ the subject of Discrimination or treated unfairly in the  
127 Town, for any reason, including because of (1) their membership in a Brookline Protected Class, (2) in  
128 relation to Fair Housing laws, (3) in connection with procurement or contracting with the Town, (4) in  
129 connection with interactions with businesses or institutions in the Town, or (5) in connection with their  
130 interactions with the Town and/or employees of the Town. The Director may, with the agreement of the  
131 parties, use the resources of the Diversity Office to resolve a Complaint without further investigation.  
132 But, when necessary, the Director shall investigate Complaints pursuant to Section 3.14.2(G)(iv)(d) or  
133 provide general information on the use of the services of other appropriate bodies, such as the  
134 Massachusetts Commission Against Discrimination ("MCAD"), the federal Equal Employment  
135 Opportunity Commission ("EEOC"), complaint procedures using the Police Civilian Complaint form,  
136 complaint procedures of the Human Resources Departments ("H.R."), or a Town employee  
137 complainant's rights under applicable collective bargaining agreements. The Director shall explain to the  
138 complainant that neither the Director nor Town Counsel can provide legal advice or express an opinion  
139 as to the merits of complainant's case and that the complainant may need their own legal counsel to  
140 assist with any legal proceedings. In an appropriate situation, the Director may also call upon the  
141 mediation or conflict resolution services of agencies such as the Community Relations Service of the U.S.  
142 Department of Justice ("CRS").

143 (ii) To work with all Town departments, including the Public Schools of Brookline, independent bodies, such  
144 as the housing authority and library, community nonprofits, businesses, houses of worship, and  
145 individuals, including the elderly and youth, to facilitate good community relations, communication, and  
146 respectful human interactions between and among all persons.

147 (iii) With the advice and counsel of the Commission, Town Counsel, the H.R. Director, the Human Resources  
148 Board, the Chief Procurement Officer, the Council on Aging, and any other relevant Town department,  
149 the Director shall prepare and submit to the Select Board a recommended diversity, equity, and  
150 inclusion statement and policy for the Town ("DEI Policy") and periodically review and update the DEI  
151 Policy if necessary. The DEI Policy shall incorporate, by reference, existing Town policies, including the  
152 Policy Against Discrimination, Sexual Harassment and Retaliation and other Town policies related to  
153 equal employment opportunity and affirmative action, procurement, the Americans with Disabilities  
154 Act, and other applicable policies. The DEI Policy shall also give guidance on recruitment, hiring,  
155 retention, training, and promotion of Town employees, and propose steps to make improvements to  
156 ensure a work environment that is friendly to diversity, equity, and inclusion. The Director shall work  
157 with the Town Administrator, Town Counsel, and H.R. on the implementation of the DEI Policy.

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159 (G) Complaint Responsibilities.

160 (i) In general, the Director may receive Complaints concerning allegations of Discrimination ~~or bias or~~  
161 Community Disruptions ~~inappropriate or hurtful actions or behavior or actions or behavior that disrupt~~  
162 amicable community relations. The Director may receive such Complaints ~~(1) receive complaints~~ from

163 complainants directly or through the Commission ~~or (2) receive referrals of Complaints from Town~~  
164 ~~departments, the school department, the library, or the housing authority, when all parties agree and~~  
165 ~~the parties and the agencies believe that the Director's training and resources can best provide~~  
166 ~~resolution of Complaints or disputes arising in those departments in a manner that is acceptable to both~~  
167 ~~parties and that maintains the expectations of confidentiality of the parties.~~ Complaints involving Town  
168 employees shall be handled pursuant to Section 3.14.2(G)(v). ~~The Director, at any point, with the~~  
169 ~~agreement of the parties, can resolve a Complaint using the staff, skills, and resources of the Diversity~~  
170 ~~Office.~~

171 (ii) The Director may receive Complaints anonymously for the purpose of informally resolving the Complaint  
172 with the Town Administrator, the Superintendent, a department head, the executive director of a Town  
173 related agency, such as the library or housing authority, or the governing body of a non-Town entity.

174 (iii) The Director with the assistance of Town Counsel and the Commission shall develop official forms for  
175 filing Complaints under this Bylaw and any necessary rules ~~and/or~~ procedures for the receipt of such  
176 Complaints, which may include availability of oral Complaints, statutes of limitations not included in this  
177 Bylaw, and other details of the Complaint process under this Bylaw.

178 (iv) Upon receipt of a Complaint, the Director shall take the following actions:

179 a. If, after the Director's initial review, or after an investigation, or at any point in the process, the  
180 Director determines that the Complaint does-is not, on its face, ~~present a Plausibly Valid~~  
181 ~~plausibly valid basis for action by the Town~~ and gives the complainant written notice of that  
182 determination, the complainant may appeal to the Commission within 30 days of receiving such  
183 notice. The Commission shall handle such appeal as set forth in Section 3.14.3(B)(i).

184 1. If the Commission pursuant to Section 3.14.3(B)(i) sends a rejected Complaint back to  
185 the Director for reconsideration, the Director shall consider the Commission's reasons  
186 and either engage an independent investigator who shall make its report to the  
187 Director and the Town Administrator or take one of the actions listed in Section  
188 3.14.2(G)(ii)(d).

189 2. If after an investigation pursuant to Section 3.14.2(G)(~~iv~~;ii)(d), the Director concludes  
190 that the Complaint still ~~does-is~~ not Plausibly Valid~~present a valid basis for Town action~~,  
191 the Director shall report that conclusion to the Commission and the reasons for the  
192 conclusion, whereupon the Complaint shall be deemed resolved for purposes of the  
193 Complaint processes of the Commission and the Director, unless the Select Board, at  
194 the written request of the Commission, by majority vote of the Select Board, finds that  
195 the Complaint ~~does-is~~, in their opinion, Plausibly Valid~~present a plausibly valid issue for~~  
196 ~~consideration by the Town~~.

197 b. If the Director determines that the Complaint on its face ~~raises plausibly valid issues~~ Plausibly  
198 Valid but would be more appropriately handled by the MCAD, the EEOC, the Massachusetts  
199 Attorney General's Office, or some other agency with investigatory and prosecutorial powers,  
200 the Director shall provide the complainant with general information for filing a Complaint with  
201 such agency. The Director shall also explain to the complainant that neither the Director nor  
202 Town Counsel can provide legal advice or express an opinion as to the merits of complainant's  
203 case and that the complainant may need their own legal counsel to assist with filing a Complaint  
204 at the MCAD or with other entities. In an appropriate situation, the Director may also call upon  
205 the services of the CRS.

- 206 c. If the Director determines that the Complaint ~~raises a plausibly valid issue for Town action~~ is  
207 Plausibly Valid but that the Director or the Town cannot fairly, effectively, or efficiently  
208 investigate the Complaint, the Director shall work with Town Counsel to engage the services of  
209 an independent investigator to handle the Complaint or take such other action as they deem to  
210 be appropriate.
- 211 d. If the Director determines that the Complaint presents a Plausibly Valid issue for action by the  
212 Town and can be appropriately, effectively, and efficiently handled by the Director, the Director  
213 shall do the following:
- 214 1. First, notify the Town Administrator and give the Town Administrator an opportunity  
215 to take steps to satisfy the complainant.
  - 216 2. Second, if the Town Administrator is unable to take any steps to satisfy the  
217 complainant or the complainant is not satisfied with the steps taken by the Town  
218 Administrator, the Director shall initiate an investigation of the Complaint, including  
219 interviewing any witnesses in addition to the complainant and the alleged perpetrator  
220 of the behavior that is the subject of the Complaint, if possible, examining and  
221 analyzing any documents or materials relevant to the Complaint, and assessing the  
222 credibility of the parties, any witnesses, and any relevant documents or materials.
  - 223 3. Following the investigation, if the Director still believes that the Complaint is Plausibly  
224 Valid ~~complainant has presented a valid issue that can be addressed by the Town~~, the  
225 Director shall develop a ~~written proposed~~ plan ("Resolution Plan") for resolution of  
226 the Complaint and present it to the parties for their consideration. The Resolution  
227 Plan shall include a resolution that the Director believes is effective and fair to all  
228 parties, including any of the following remedies or other appropriate remedies:
- 229 A. Meeting with the subject of the Complaint to attempt an informal resolution,  
230 including with Town departments to fix problems identified in the Complaint
  - 231 B. Mediation
  - 232 C. Reconciliation
  - 233 D. Education of the parties in ways to avoid future disputes
  - 234 E. Restorative justice
  - 235 F. Referral to the Brookline police department, other law enforcement agency, or  
236 other Town department with the power to impose fines or other penalties if the  
237 Complaint relates to a violation of Town Bylaw or state law
  - 238 G. Referral to the services, including Complaint procedures or educational,  
239 training, or community relations services offered by the MCAD, the EEOC, the  
240 CRS, the Office of Town Counsel, the Attorney General, or such other body as  
241 the Director deems appropriate. The Director shall explain to the complainant  
242 that neither the Director nor Town Counsel can provide legal advice or express  
243 an opinion as to the merits of complainant's case and that the complainant may  
244 need their own legal counsel to assist with any filing of a Complaint with the  
245 MCAD or other entities.

246 e. The Director shall complete and submit to the parties the written Resolution Plan within forty-  
247 five (45) days after receiving the Complaint. If the Director needs additional time, the Director  
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249 shall notify the complainant and the Commission that a longer time period is needed to  
250 adequately complete this process and an estimate of the additional time needed.

251 e.f. The Director shall periodically report to the Commission on the Complaints received and the  
252 disposition thereof. Such reports shall identify issues and trends or systemic problems of which  
253 the Commission should be aware and that will enable the Commission to make  
254 recommendations to the Select Board or propose appropriate Town regulation or legislation.

255 f.g. If a person, except for employees of the Town (with respect to employees, see Section  
256 3.14.2(G)(v)), chooses to bring a Complaint to the Commission after seeking the services of the  
257 Director, the Director may discuss the case in general terms with the Commission for guidance,  
258 but only if there is no ongoing or threatened litigation of the issues in the Complaint.

259 g.h. The Director, after consulting with Town Counsel, shall advise complainants that they may need  
260 to seek legal advice to avoid running afoul of statutes of limitations, exhaustion of remedies,  
261 and other procedural hurdles that they must meet to preserve their rights in the MCAD or  
262 federal or state courts while pursuing their rights under the Town's Complaint procedures.

263 (v) Town Employees. If the Director is presented with a Complaint involving Town employees, such  
264 Complaints shall be handled as follows:

265 a. Employee vs. Employee. (i) Complaints by employees involving allegations of Discrimination by  
266 another employee or the Town, shall immediately be referred to H.R. in accordance with the  
267 Town's Policy Against Discrimination, Sexual Harassment, and Retaliation. (ii) Complaints by  
268 employees involving allegations of misconduct or mistreatment, but not alleging Discrimination,  
269 by another employee or the Town shall be referred to H.R. The Director may assist the H.R.  
270 Director in the mediation of such allegations of misconduct or mistreatment but with the  
271 guidance of Town Counsel. (iii) All allegations of Discrimination or misconduct or mistreatment  
272 shall be handled in a manner that is fully consistent with applicable collective bargaining  
273 agreements.

274 b. Resident vs. Employee. Complaints against an employee of the Town that involve ongoing or  
275 threatened litigation shall be referred to Town Counsel. Complaints against an employee of the  
276 Town that allege Discrimination shall be referred to H.R. and Town Counsel. Complaints against  
277 an employee of the Town involving misconduct or mistreatment may be handled by the Director  
278 using the tools and resources of the Diversity Office, if desired by the complainant, or may be  
279 referred to H.R. or, in the case of a civilian or sworn officer of the Police Department, to the  
280 Police Complaint Process.

281 c. Schools. If the Director receives a Complaint involving an employee of the Schools Department,  
282 the Director shall refer it to the schools' Human Resources Office, unless the Complaint involves  
283 a Town employee and a school employee, in which case it shall be referred to H.R.

284 d. Police Internal Procedures. The Police Chief, with respect to civilian or sworn officers of the  
285 Police Department, shall not be precluded from using applicable internal police procedures,  
286 including the procedures of the Internal Affairs Office, consistent with applicable collective  
287 bargaining agreements, to resolve allegations of misconduct or mistreatment by an employee of  
288 the Police Department, provided that H.R. is aware of the use of such processes.

289 (v) Except with respect to Complaints against another Town employee, the Director shall serve as an  
290 ombudsperson for employees of the Town who feel they have been discriminated against or treated  
291 unfairly in Brookline based on membership in a Brookline Protected Class or other reasons. The Director  
292 may attempt to mediate such disputes or refer such employees to the Human Resources Office, their

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293 union representative, and/or such other body that the Director deems appropriate and with which the  
294 complainant agrees. The Director shall hold all such Town employee matters in confidence and shall  
295 respect the privacy rights of any such individuals but may discuss with the Commission, in general terms,  
296 the problems or issues that such individual cases present, provided, however, doing so does not violate  
297 any person's rights to privacy or expectation of confidentiality, and further provided that there is no  
298 ongoing or threatened litigation. If an employee of the Town is accused of misconduct, including  
299 Discrimination, or treating a complainant unfairly, the director shall direct the Complaint to the Town's  
300 Human Resources Department or, in the case of a Town police officer, to the Police Complaint  
301 Procedure. The Human Resources Department can also on its own take up an allegation of misconduct  
302 by a Town employee.

### 303 SECTION 3.14.3 POWERS AND DUTIES OF THE COMMISSION

304 To implement the Mission of the Commission in accordance with Section 3.14.1(A) (Brookline Values), the  
305 Commission, with the assistance of the Director and the Director's staff, shall have the following responsibilities:

#### 306 (A) General Responsibilities.

- 307 (i) Strive to eliminate discriminatory barriers to jobs, education, and housing opportunities within the Town  
308 and work to increase the willingness and capacity of public and private institutions to respond to  
309 Discrimination against individuals in the Town based on their membership in a Brookline Protected  
310 Class.
- 311 (ii) Work with the Select Board, H.R., the schools and the School Committee, and other Town departments,  
312 commissions, boards, and committees to increase their commitments to diversity, equity, and inclusion  
313 and to take appropriate steps to increase awareness of and sensitivity to such values and to civil and  
314 human rights issues in their departments.
- 315 (iii) Provide advice and counsel to the Director on the preparation of the DEI Policy and on the periodic  
316 updating of the DEI Policy by the Director, as described in Section 3.14.2(F)(iii).
- 317 (iv) Initiate educational programs to facilitate and inform the public of the foregoing and the Commission's  
318 and the Director's responsibilities with respect to Complaints.
- 319 ~~(v)~~ (v) Develop initiatives, including educational programs and at all times work to facilitate  
320 harmonious community relations among residents and visitors to the Town of Brookline.
- 321 ~~(vi)~~ (vi) Support the Director in carrying out the Director's role as outlined in Section 3.14.2(C)

#### 323 (B) Complaint Responsibilities

- 324 (i) The Commission may receive Complaints that were rejected by the Director and appealed to the  
325 Commission for reconsideration. The question before the Commission on appeal shall be whether the  
326 Complaint ~~presents a valid basis for consideration by the Town~~ is Plausibly Valid. Upon receiving the  
327 appeal and the original Complaint, the Commission shall assign one or two of its members to review the  
328 Complaint. The reviewing members shall review the Director's determination, review the original  
329 Complaint, interview the complainant and any witnesses who consent (if necessary), and decide  
330 whether they agree with the Director's rejection. The reviewing members shall then present their  
331 written conclusions to the Commission in executive session. If the Commission, after taking into  
332 consideration the conclusions of the reviewing members, agrees with the Director, the matter shall be  
333 concluded. If the Commission does not agree with the Director, the Commission shall provide the  
334 Director with a written explanation of its reason for concluding that the Complaint ~~does present a~~



335 ~~plausibly valid basis for consideration by the Town is Plausibly Valid~~, whereupon the reconsideration of  
336 the Complaint by the Director shall be handled in accordance with Section 3.14.2(G)(a)(i)-(ii).

337 (ii) The Commission may receive Complaints against the Town, its agencies, or officials concerning  
338 allegations of Discrimination or ~~bias or inappropriate or hurtful actions or behavior~~ Community  
339 Disruption. Complaints ~~against-involving~~ Town employees shall be handled solely by the Director ~~(see in~~  
340 ~~accordance with~~ Section 3.14.2(G)(v)). Complaints involving school employees shall be referred to the  
341 schools' Human Resources Office or the Superintendent. Upon receiving an appropriate Complaint, the  
342 Commission shall take the following actions:

- 343 a. First, notify the Town Administrator and give the Town Administrator an opportunity to ~~make~~  
344 ~~corrections-take steps~~ to satisfy the complainant.
- 345 b. Second, if the Town Administrator is unable to take any steps to satisfy the complainant or the  
346 complainant is not satisfied with the steps taken by the Town Administrator, the Commission or  
347 a working group of the Commission may (1) perform a summary review of the Complaint,  
348 including, if necessary, an interview of the complainant and any witnesses and a review of any  
349 documents or materials pertinent to the complaint, (2) prepare a written report of its summary  
350 review, including a report on the alleged impact on the complainant of the alleged behavior or  
351 the alleged impact on the alleged perpetrator of the filing of the Complaint, without stating any  
352 legal conclusions, and (3) within 90 days of the Commission's receipt of the Complaint provide  
353 its report with any recommendations to the Director and the Town Administrator, with a copy of  
354 the recommendations to the Select Board. The Commission's recommendations should include,  
355 as appropriate, the use of the dispute resolution resources and skills of the Director.
- 356 c. The Commission may ask the Director to, in addition or in the alternative, provide the  
357 complainant with general information on complainant's options to bring proceedings at the  
358 MCAD or other appropriate federal, state, or local agency, including the Brookline Police  
359 Department. The Director shall explain to the complainant that neither the Director nor Town  
360 Counsel can provide legal advice or express an opinion as to the merits of complainant's case  
361 and that the complainant may need their own legal counsel to assist with filing a Complaint with  
362 the MCAD or other entity. This Bylaw does not preclude any complainant from alternatively or  
363 additionally using other Town complaint procedures, such as the Police Department's Civilian  
364 Complaint Procedure or H.R.'s procedures.
- 365 d. The Commission may receive a Complaint anonymously for the purpose of resolving the  
366 Complaint informally with the Director or the Town Administrator.
- 367 e. To protect all parties to a Complaint and to avoid violation of any law or regulation concerning  
368 governmental operations, the Commission should ~~work-consult~~ with Town Counsel when  
369 presented with a Complaint.

370 ~~e.~~  
371 ~~(iii)f.~~ At the request of a complainant and with the concurrence of the Superintendent, the  
372 Commission may handle a Complaint, except Complaints of Discrimination, involving the schools  
373 as follows: The Commission may receive complaints against the public schools of Brookline,  
374 directly or through the Director concerning allegations of discrimination or bias or inappropriate  
375 or hurtful actions or behavior. The Commission may not accept a complaint by a student or  
376 against a student but may accept a complaint by a student's parent or guardian. Upon receiving  
377 a complaint against the public schools of Brookline, the Commission's roles shall be (i) serving to  
378 serve as a neutral knowledgeable body to which a complainant can bring their concerns, (ii) to

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379 provideing guidance to the complainant as to the best way to address their concerns, (iii) ~~to~~  
380 useing the knowledge and credibility of the Commission to present concerns to the schools of  
381 which the schools may not be aware, and (iv) ~~to perform~~ any other role as may be agreed  
382 upon by the Director and the Superintendent. The Commission shall have no role with respect to  
383 a Complaint by a minor student or against a minor student unless the Complaint is by a minor  
384 student's parent or guardian.

385 ~~(iv) The Commission shall be limited to the following actions:~~

386 ~~a. Notifying the Superintendent and giving the Superintendent an opportunity to make corrections~~  
387 ~~to satisfy the complainant.~~

388 ~~b. If the complainant is not satisfied with the steps taken by the Superintendent, the Commission~~  
389 ~~may request that the Director, provide the complainant with general information on~~  
390 ~~complainant's options to bring proceedings at the MCAD or other appropriate federal, state, or~~  
391 ~~local agency or bring an appropriate matter to the attention of the state Department of~~  
392 ~~Elementary and Secondary Education. The Director shall explain to the complainant that neither~~  
393 ~~the Director nor Town Counsel can provide legal advice or express an opinion as to the merits of~~  
394 ~~complainant's case and that the complainant may need their own legal counsel to assist with~~  
395 ~~any filing with the MCAD or other entity.~~

396 ~~c. The Commission may also provide the complainant with information on complainant's options~~  
397 ~~to ask the Superintendent to utilize the dispute resolution resources of the Diversity Office or an~~  
398 ~~outside body.~~

399 ~~d. The Commission may receive a Complaint anonymously for the purpose of resolving the~~  
400 ~~Complaint informally with the Superintendent.~~

401 ~~e.g.~~ To protect all parties to a Complaint and to avoid violation of any law or regulation concerning  
402 governmental operations or the rights of students or educational personnel, including federal  
403 laws governing student privacy and regulations of the Department of Elementary and Secondary  
404 Education and the local regional office of the Office of Civil Rights within the U.S. Department of  
405 Education, the Commission should work with Town Counsel when presented with a Complaint  
406 ~~against involving~~ the schools.

407 ~~(v)(iii)~~ The Commission shall develop, to the extent permissible-permitted by law, a log for the  
408 Complaints referred to in Section 3.14.3(B), provided that such publication contains public record  
409 information only and does not violate anyone's right to privacy or expectations of confidentiality, and  
410 the Commission shall compile and maintain statistical records regarding the nature of Complaints, types  
411 of incidents, number and types of Complaints, and other pertinent information, without identifying  
412 specific individuals, and include such information in the annual report filed with the Board pursuant to  
413 Section 3.14.6 of this Bylaw. With respect to any complaints or patterns of Complaints involving the civil  
414 or human rights of any persons, work with the Director, ~~in such officer's role as ombudsperson,~~ to  
415 facilitate changes that will reduce and eliminate violations of rights.

416 ~~(vi) Develop official forms for the filing of complaints under Section 3.14.3(B) and procedures for the receipt~~  
417 ~~of such complaints and follow up by the Commission to the extent not inconsistent with the procedures~~  
418 ~~set forth in Section 3.14.3(B).~~

419 ~~(vii)(iv)~~ Carry out the responsibilities and duties given to the Commission by rules or regulations, if any,  
420 promulgated under Section 3.14.4 of this Bylaw in relation to its Fair Housing responsibilities, as  
421 authorized by law, under Bylaw 5.5.

- 422 (C) To carry out the foregoing responsibilities, the Commission is authorized to work with community  
423 organizations, government and nonprofit agencies, educational institutions, persons with relevant expertise,  
424 and others to:
- 425 (i) Institute and assist in the development of educational and training programs to further community  
426 relations and understanding among all persons in the Town, including Town employees.
  - 427 (ii) Serve as an advocate for youth on issues arising in the schools and the community, concerning diversity,  
428 equity, and inclusion, and encourage public and private agencies to respond to those youth's needs.
  - 429 (iii) Develop educational programs and campaigns to increase awareness of human and civil rights, advance  
430 diversity, equity, and inclusion, eliminate Discrimination, and ensure that the human and civil rights of  
431 all persons are protected and assist in the development of educational programs to further community  
432 relations and understanding among all people, including employees of all departments and agencies  
433 within the Town.
  - 434 (iv) Conduct or receive research in the field of human relations and issue reports and publications on its  
435 findings or, where appropriate, submit local or state-wide proposed legislation, after approval by the  
436 Select Board and review by Town Counsel, to further human and civil rights of all persons in the Town,  
437 provided that the Commission shall evaluate all such research conducted or received for its relevance  
438 and validity and for its openness to diverse viewpoints and perspectives.
  - 439 (v) Receive and review information on trends and developments in youth research, services, and programs,  
440 both generally and as they relate to youth who are members of a Brookline Protected Class, and  
441 consider the applicability of such research, services, or programs to Brookline, provided that the  
442 Commission shall evaluate all such research conducted or received for its relevance and validity and for  
443 its openness to diverse viewpoints and perspectives.
  - 444 (vi) Do anything else deemed appropriate in the furtherance of its general duties and that are not  
445 inconsistent with its Mission, the State Constitution and laws, or the Town Bylaws.
- 446 (D) At least every two years, prepare written organizational goals for the Commission ("Commission's Goals")  
447 that are (i) specific, (ii) measurable, (iii) attainable with the resources and personnel of the Commission, (iv)  
448 relevant to the mission of the Commission, (v) designated as either short term or long term, and (vi) capable  
449 of being evaluated on a continuing basis and at the next goal setting point. The Commission's Goals shall be  
450 submitted to the Select Board at a public meeting and posted on the Town's website. The Commission shall  
451 receive and consider the comments of the Select Board at the public meeting and shall also receive and  
452 consider written comments from the community on the Commission's Goals.

453 **SECTION 3.14.4 RULES AND REGULATIONS**

454 To carry out the purposes and provisions of this By-law, the Commission, with the approval of the Select Board,  
455 after review by the Town Counsel, shall adopt procedural rules and regulations as necessary to guide it in  
456 carrying out its responsibilities. Such rules and regulations shall require that actions by the Commission be taken  
457 by a quorum or larger vote of the Commissioners and shall include procedures for holding regular public  
458 meetings, including at least one public hearing annually to apprise the public on the status of civil rights,  
459 diversity, equity, inclusion, and community relations in the Town and to hear the concerns of the public on those  
460 issues. The Commission may also establish procedures and rules and regulations to carry out its responsibilities  
461 with respect to Fair Housing, with the approval of the Select Board, after review by Town Counsel. Such rules  
462 and regulations may further provide for the governance of the Commission with respect to matters such as the  
463 appointments of committees as necessary to deal with specific community issues or concerns.

464 **SECTION 3.14.5 INFORMATION, COOPERATION, AND DIALOGUE**

465 The Commission shall notify the Town Administrator of all Complaints it receives. If such Complaints fall within  
466 the purview of the Superintendent of Schools, the Superintendent shall also immediately be notified. All  
467 departments and agencies in the Town shall cooperate fully with the Commission's reasonable requests for  
468 information concerning such Complaints and when appropriate engage with the Commission in a dialogue on  
469 them. All such requests and dialogue shall respect and protect, to the fullest extent possible, the privacy of all  
470 involved and shall comply with all local, state, and federal laws. The H.R. Director shall annually present a report  
471 to the Commission concerning the Town's statistics on employment diversity in Town departments and staff, as  
472 well as the efforts of the Town to increase the employment diversity of Town departments and staff. The School  
473 Superintendent and the Library Director, or their designees, shall annually provide a report to the Commission  
474 on their statistics on employment diversity, including but not limited to the most recently completed EEO-5  
475 form. The Police Chief shall annually present a report to the Commission on other police matters that touch on  
476 the Commission's mission. The Commission may respond to such reports through dialogue and/or through  
477 written reports; and all Town departments, including the Brookline Public Schools, are encouraged to cooperate  
478 with the Commission as it reasonably requests.

479 **SECTION 3.14.6 REPORT**

480 With the assistance of the Director, the Commission shall submit an annual report to the Select Board, the  
481 School Committee, ~~and~~ the Board of Library Trustees, and the Trustees of the Brookline Housing Authority  
482 detailing its activities and the results thereof. This report shall include (i) a review of the implementation of the  
483 DEI Policy by the Town, (ii) the Commission's Goals and a report on the extent to which the goals have been  
484 achieved to that point, (iii) a review of reports received by the Commission from the H.R. Director, the School  
485 Superintendent, the Library Director, and other Town departments or agencies, (iv) a narrative discussion of any  
486 impediments to the implementation and achievement of the Commission's Goals and the DEI Policy, and (v)  
487 recommendations of ways that such impediments could be removed. A synopsis of such report shall be  
488 published as part of the Annual Report of the Town.

489 **SECTION 3.14.7 FIVE YEAR REVIEW**

490 Beginning no later than July 1, 2023, and at least every five years thereafter, the Commission shall review this  
491 Bylaw and any other related Town Bylaws, in consultation with other pertinent departments, and propose  
492 changes, if necessary, by preparation of appropriate Warrant Articles for consideration by Town Meeting. The  
493 Commission shall prepare a written report summarizing its review and proposing any changes no later than  
494 February 1, 2024

495 **SECTION 3.14.8 EFFECTIVE DATE**

496 The amendments to Bylaw Section 3.14 made by this Warrant Article, if adopted by the fall 2022 Special Town  
497 Meeting, shall become effective January 1, 2023.

498 **SECTION 3.14.8 SEVERABILITY**

499 The provisions of this Bylaw shall be deemed to be severable. Should any of its provisions be held to be invalid  
500 or unconstitutional, the remainder shall continue to be in full force and effect.

501 **SECTION 3.14.10 APPLICATION OF THIS BYLAW**

502 Should any remedies in this Bylaw conflict with grievance or dispute resolution procedures in collective  
503 bargaining agreements with the Town's unions, the provisions of the collective bargaining agreements shall  
504 apply so long as all members of Brookline Protected Classes are protected.

505

506 Or Act on anything relative thereto.