

Complaint Process Working Group

COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS (CDICR)

Proposed Procedure for Complaint Screening Committee for Complaints against the Town or School Department

Under Sections 3.14.3 (A) (v) and (vi) of the Town's Bylaws

1. The following process shall govern all complaints against the Town, its employees, agencies, or officials (hereinafter Town), and complaints against the Public Schools of Brookline, its employees, agencies, or officials (hereinafter BPS), concerning allegations of discrimination or bias towards a member of a Brookline Protected Class who comes in contact with the Town or BPS. Employees alleging discrimination or bias in the context of their employment are not subject to this procedure.
2. Complaints which fall under Sections 3.14.3 (A) (v) and (vi) of the Town's Bylaws may be filed orally or in writing with any of the following:
 - A. The Chief Diversity Officer (CDO);
 - B. The Complaint Screening Committee;
 - C. Any member of the Commission, including *ex officio* members. The member shall report the complaint, with the complainant's consent, to the Complaint Screening Committee or CDO for further action.
3. The reporting party need not be the person who suffered the alleged discrimination or bias. That person however, must be willing to participate in the review of the complaint. If not, the matter shall be closed, without prejudice, to be reopened at such time as the aggrieved party wishes to participate and the Committee deem the matter appropriate for review. The Committee shall document all instances in which a person does not wish to participate in the review of the complaint.
4. For all complaints filed under this section which the Commission has been charged with reviewing, the following procedures shall be followed:
 - A. The CDO and Town Administrator shall be promptly notified of all complaints against the Town filed with a member of the Commission. If the complaint is against the BPS, in addition to the CDO, the Superintendent of Schools, the Assistant Superintendent for Human Resources, and the School Committee shall be notified of the complaint.

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- B. The complaint shall be recorded by the CDO in the complaint log, in accordance with the guidelines approved by the Commission.
- C. The Complaint Screening Committee shall report on all complaints it is handling at each Commission meeting.
- D. The Complaint Screening Committee shall provide the complainant with an informational packet, developed by the Committee and approved by the Commission, to help educate all complainants as to their rights to bring proceedings at local, state, and federal agencies and courts. The Committee shall not provide legal advice.
- E. Upon receipt of the complaint, the Complaint Screening Committee shall make a preliminary determination as to whether or not the complaint falls within the scope of the bylaw. If the complaint is deemed to fall outside of the scope of the bylaw the matter shall be closed. The aggrieved party shall then be advised that they may bring their complaint to the CDO for further consideration and may also address the closing of the complaint before the Commission at a scheduled meeting with prior notice to the Chair. The Commission may reverse the Committee's finding and direct the Committee to reopen the complaint.
- F. Upon determining that the complainant alleges an act of bias or discrimination based on a person's membership in a Brookline Protected Class, the Complaint Screening Committee shall review and summarize the complaint. If deemed necessary by the Complaint Screening Committee, members may ask the complainant questions in order to obtain a full understanding of the complaint. Members shall not conduct any investigation or make any determinations of facts or legal conclusions.
- G. The Complaint Screening Committee shall create a summary of the complaint within 30 days of receipt of the complaint or interview of the complainant, whichever is later. In all cases, the summary shall be delivered to the Office of Diversity, Inclusion, and Community Relations for distribution to the Commission. In cases where the complaint is against the Town, the summary shall be delivered by the Office of Diversity, Inclusion, and Community Relations to the Town Administrator and the Board of Selectmen. In cases where the complaint involves the Brookline Public Schools, the summary shall be delivered by the Office of Diversity, Inclusion, and Community Relations to the School Superintendent and School Committee. After review and approval by the Commission, the summary may include a

recommendation for action to be taken by the Board of Selectmen or the School Committee.

5. All proceedings of the Commission and its working groups and committees are subject to Massachusetts Open Meeting Law. As such, if the complaint is to be handled by the Commission's Complaint Committee the identity of the complainant will not be anonymous, unless the subject matter qualifies for executive session under Massachusetts Open Meeting Law. Prior to going into executive session, the chair of the Committee must seek the advice of the Division of Open Government – Office of the Attorney General.