

Complaint Process Working Group

COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS
(CDICR)

Proposed Procedure for Complaint Screening Committee for Other Complaints

Under Section 3.14.3 (A)(vii) of the Town's Bylaws

1. The following process shall govern all complaints concerning allegations of discrimination or bias against a member of a Brookline Protected Class by any person, group, entity, or business in the town of Brookline.
2. Any person, group, entity, or business may be subject to a complaint under this provision of the bylaw; however, complaints against the Town, its employees, agencies or officials shall be reported according to the process developed pursuant to 3.14(A)(v). Further, complaints against the Public Schools of Brookline, its employees, agencies, or officials shall be reported according to the process developed pursuant to 3.14(A)(vi). Should a complainant follow an incorrect process the Commission or the Complaint Screening Committee, shall attempt to correct procedural defects so that the matter may be handled within a reasonable timeframe.
3. Any person who has come in contact with a person, group, entity, or business in the town of Brookline and wishes to file a complaint with the Commission regarding an allegation of discrimination or bias against a member of a Brookline Protected Class, which occurred in the Town, may file such a complaint, either orally or in writing, with any of the following persons:
 - 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 complainants consent, to the Complaint Screening Committee or CDO for further action.
4. 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 deems 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.

5. For all complaints filed under this section which the Commission has been charged with reviewing, the following procedures shall be followed:
 - A. The complaint shall be recorded by the Chief Diversity Office in the complaint log, in accordance with the guidelines approved by the Commission.
 - B. The Complaint Screening Committee shall report on all complaints it is handling at each Commission meeting.
 - C. 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, including but not limited to advising complainants which alternative avenues they may or should take to pursue further action.
 - D. 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 Chief Diversity Officer 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.
 - E. Upon finding that the complaint falls under the by-law, the Complaint Screening Committee shall conduct a preliminary review of the facts of each complaint.
 - i. The Committee must make reasonable efforts to invite all parties, including the reporting party, the aggrieved party, the subject of the complaint, and any known witnesses to the alleged act of bias or discrimination, to provide an unsworn statement to the Committee. Statements may be received orally or in writing. A record of oral statements will be made.
 - ii. Both the aggrieved party and subject of the complaint must be made aware of any Commission or Committee meeting at which

the matter is to be addressed. Notice shall be sent at least 10 calendar days in advance of any such meeting.

- iii. Upon receipt of unsworn statements, the Committee may conduct further interviews of persons who have made statements.
 - iv. The Committee shall draft and approve a preliminary review of the facts of the complaint. In drafting and approving the preliminary review of the facts, the Committee may assess the credibility of any person's statements; however, the Committee shall not offer any opinion as to whether the allegation has been substantiated or offer any legal opinion.
 - v. A copy of the preliminary review of the facts shall be sent to the Office of Diversity, Inclusion, and Community Relations, within 2 business days of the Committee's final approval, for dissemination to the Commission, the aggrieved party, and the subject of the complaint.
- F. The Complaint Screening Committee shall, after consultation with the full Commission, take one or more of the following actions after it issues its preliminary review of the facts;
- i. Refer the aggrieved party or subject of the complaint to the Chief Diversity Officer or to a local or regional mediation service;
 - ii. Provide the aggrieved party with information about their options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agency of which the Committee is aware;
 - iii. Present its statement of facts to the Town Administrator or Board of Selectmen with a request that the Board of Selectmen take any action it deems appropriate.
6. 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 or Town Counsel.