

REPORT TO CITY MANAGER ROBERT W. HEALY
FOR TRANSMITTAL TO THE CAMBRIDGE CITY COUNCIL
IN RESPONSE TO COUNCIL ORDER NO. 15, DEC. 15, 1986

The City Council has asked for a report of the activities and expenditures of the Human Rights Commission during the first half of FY86-87. The Commission welcomes this opportunity to inform the Council about its work and hereby submits the attached report.

Respectfully submitted,

S/

Jonathan Handel, Chair

S/

Sarah Wunsch, Executive Director

CAMBRIDGE HUMAN RIGHTS COMMISSION

Dated: January 9, 1987

REPORT OF ACTIVITIES OF THE CAMBRIDGE HUMAN RIGHTS COMMISSION
FOR FIRST HALF OF FY 86-87
IN RESPONSE TO CITY COUNCIL ORDER NO. 15 (DEC. 15, 1986)

Officers and members of the Human Rights Commission:

Jonathan Handel, Chair
Betsy Anne Youngholm, Vice-Chair
George F. McCray, Clerk/Treasurer
Mildred Blackman
Elizabeth R. Brown
Karen B. Fiser
Valerie Hinderlie
Diane Wong Paschall
Gerald Ryan
Joseph Vera
Robert P. Wheatly

Staff:

Sarah Wunsch, Executive Director
Dominique Ghossein, Administrative Assistant

Dated: January 9, 1987

BACKGROUND

The Cambridge Human Rights Commission welcomes this opportunity to inform the Council about its work. The Commission carries out Chapter 25 (Human Rights), Cambridge City Code, the local law prohibiting discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, and source of income.

As a new city commission created to prevent discrimination and prejudice, we are well aware that we have begun our work at a time when serious incidents of racial, anti-gay, and religiously motivated violence and harassment are being reported throughout the U.S. In New York City, a black man recently was killed after being beaten and chased by a group of white youths. In Boston, a Boston Human Rights Commission study has verified claims of racial harassment and threats by employees of the emergency medical services unit. In October, a congressional subcommittee heard testimony on the rise of vicious anti-gay assaults and murders across the country.

These and other acts demonstrate that intolerance and bigotry have not disappeared, and that local governments need to remain concerned that our cities and towns are places where all people can live together peacefully and without fear of discrimination.

Cambridge cannot afford to rest on its reputation as a

diverse and tolerant city; we must ensure that people who feel that they have been discriminated against have a place to go where fair consideration will be given to them. We need to continue with educational efforts to eliminate prejudice and intolerance.

The City Council has assigned the Human Rights Commission the tasks of:

- 1) receiving, investigating, mediating and resolving complaints of discrimination
- 2) discussing human rights problem areas with the City Manager
- 3) ensuring compliance by city contractors with Chapter 25
- 4) developing educational materials, workshops, public presentations and other resources to eliminate prejudice, intolerance, bigotry and discrimination

The remainder of this report describes the Commission's activities in each of these areas during the first half of FY86-87.

HANDLING COMPLAINTS: INVESTIGATION, MEDIATION, RESOLUTION

One of the primary functions of the Cambridge Human Rights Commission is to resolve complaints of discrimination. To date the Commission has received eleven formal complaints and seventeen requests for assistance on problems related to claims of discrimination. The complaints have charged discrimination on the basis of race, national origin, religion, sex, sexual orientation, disability, marital status, family status and source of income, virtually the full range of protected classes under the ordinance with the

exception of age and military status. Similarly, where individuals have not filed formal complaints but have requested help with problems coming within our scope, the range has been as broad.

In the first half of FY86-87, the Commission has put into effect policies and procedures for processing formal complaints that are received by the office. When we receive a complaint, the person complained about is notified and given an opportunity to respond. If the complaint meets the requirements of Chapter 25 and is not obviously frivolous, our first step is to try to resolve the dispute through mediation. This has been successful in two cases so far. If mediation fails, we investigate the complaint to determine, as required by Chapter 25, whether there is probable cause to believe that unlawful discrimination has occurred. We have found lack of probable cause in one case and have found sufficient evidence to support a finding of probable cause in another, as of this date.

Under regulations adopted by the Commission, if a finding of probable cause is made, then the Commission may order a public hearing, refer the matter to another agency with recommendations, or take other appropriate action. At all times, mediation is stressed as a way of having the parties resolve the dispute themselves. If a finding is made of no probable cause, the complainant has the right to appeal to the Commission.

A) Formal Complaints

The first complaint was filed with the Cambridge Human Rights Commission on February 18, 1986, when the office had barely opened its doors. In Campbell v. Cambridge Housing Authority, complaint No. 86-01, the complainant believed that he was denied public housing on the basis of his disability. After the CHRC had begun its investigation of the complaint, the complainant chose to withdraw his complaint in return for the CHA agreeing to grant an appeal at the CHA.

In No. 86-02, Coleman v. Lotus Development Corporation, the Commission found no probable cause to believe the allegations in a complaint which charged discrimination in employment on the basis of religion and sexual orientation.

In No. 86-03, O'Connell v. Dept. of Traffic and Parking, a woman charged that the Cambridge Department of Traffic and Parking had denied her equal benefit of city services, namely parking access to Harvard Square, on the basis of her disability. This case was settled after several mediation meetings which also involved the Cambridge Commission on Handicapped Persons and the State Office for Handicapped Affairs. Pursuant to the settlement, the Department has been carrying out its plan to provide reserved handicapped parking spaces in Harvard Square and other areas of the city, and has agreed to work with the Handicapped Commission in educating its employees about the legal rights and needs of the disabled.

The next complaint, 86-04, Jones v. Herold and the Department of Human Services, was also settled by agreement of the parties. The complainant, a city employee, believed that he was denied equal employment opportunity because of his race and sex when a vacancy in a managerial position above him was filled by the appointment of a white woman, without having been posted as required. The settlement provided for the complainant to receive training that would further his career development and that the City Manager, together with the Affirmative Action Director and the Human Rights Commission, would review the City's affirmative action plan, which has not been revised since 1979.

Complaint No. 86-05, Shahzade v. Cambridge School Department, is under investigation. The complainant claims that the School Department is discriminating against her in her conditions of employment by not making reasonable accommodation to her disability.

The investigation of complaint No. 86-06, Gurewitz v. Kaszynski, is almost complete. Gurewitz claims that he was denied rental housing on the basis of his having a child (family status).

In Hecht v. Cambridge Housing Authority, No. 86-07, the complaint alleges that the CHA rejected an applicant for public housing on the basis of her disability. The Commission conducted two mediation sessions that were unsuccessful. After investigation into the allegations of

the complaint, the Executive Director recommended and the Chair of the Commission approved a finding of probable cause to believe that the ordinance had been violated. If no settlement can be reached through mediation, this complaint may be the first to require a hearing before the Commissioners.

In B. v. Realtor, No. 86-08, the complainant charged discrimination in housing on the basis of source of income. Since the complaint has also been filed with the Mass. Commission Against Discrimination, the Commission has deferred to MCAD pending the outcome of its investigation. MCAD's housing unit already has in place a testing procedure with which it is investigating the realtor.

In complaint No. 86-09, the complainant charged that a city employee harassed and assaulted him because of his national origin. The complaint was withdrawn before the city employee was notified of the claim against him and thus no action was taken on the complaint.

Two complaints were filed in the month of December. No. 86-10, Badeau v. Workbench, involves a charge of discrimination in employment on the basis of sexual orientation and is currently under investigation. The second, C. v. Realtor, is a complaint of discrimination in housing on the basis of race, sex and source of income. The complaint was deferred to MCAD pending its investigation.

As with any new process, the complaint procedure has

taken time to develop. We are in the midst of surveying procedures and policies in use at human rights commissions in other cities, including examining the standards used to determine probable cause. Staff and commissioners have worked on establishing investigative procedures, training commissioners in the areas of the law covered by the ordinance, and training the staff and commissioners on how to conduct a hearing. We have conducted training sessions for commissioners on the following topics:

- ♦ Introduction to discrimination law - Prof. Judith Brown, Northeastern University Law School
- ♦ Investigation techniques and standards for finding probable cause - Lynn Girton, staff attorney at Greater Boston Legal Services
- ♦ Overview of disability discrimination law - Peter Myette of the Boston Commission for Handicapped Affairs and Bob Alexander, chair of the Cambridge Commission on Handicapped Persons
- ♦ Introduction to mediation techniques - Prof. David Matz of U.Mass-Boston

We have also developed our expertise to handle discrimination complaints by attending a conference conducted by the International Association of Official Human Rights Agencies and two conferences on fair housing law.

B. Non-Complaint Requests for Assistance on Discrimination Problems

In addition to investigating, mediating and reporting on formal complaints, the Commission has provided assistance in seventeen additional cases where people came to us with issues involving claims of discrimination. In those cases,

the person has not desired or needed to file a complaint, but the Commission has provided information and mediation services, begun research projects, and worked with other agencies to obtain resolution of the disputes.

These cases have included claims of:

- ♦ Racial harassment at a public housing project in East Cambridge
- ♦ A sex discriminatory dress code policy at a Cambridge hotel bar
- ♦ Sexual harassment of a tenant by a landlord
- ♦ Denial of an apartment rental on the basis of race
- ♦ Denial of housing on the basis of sex
- ♦ Denial of housing on the basis of sexual orientation
- ♦ Discriminatory impact of zoning ordinances on the disabled
- ♦ Discrimination in a bar on the basis of sexual orientation and sex
- ♦ Employment discrimination on the basis of race by both public and private sector employers

The Commission was able to resolve one housing dispute through mediation; other problems were resolved by giving the parties information about our local anti-discrimination law and thereby encouraging them to reach agreement. In the case of alleged racial harassment at a housing project, we obtained assistance for the complainant from the Civic Unity Committee, and, through contact with the Middlesex District Attorney's office, a civil rights complaint was obtained in District Court. Cambridge Housing Authority staff were also contacted to provide additional assistance to the

complainant, who feared for her safety.

We have discovered that our role as mediator and provider of information is particularly useful to Cambridge residents. We have often resolved problems more quickly than would be the case had formal complaints been filed.

Referrals

The office is receiving an increasing number of calls from Cambridge residents and visitors who feel that, in some way or another, their human rights may have been violated. Many callers are referred to us by Boston agencies, Cambridge community organizations or city hall staff. While some calls eventually lead to action by the Commission as described above, often the caller's problem is outside our jurisdiction. These include such things as general employer/employee relations, non-discriminatory evictions, rent control questions, public assistance and emergency shelter needs.

In such cases, we try to make sure that the next agency the person contacts is the right one. This sometimes means making a few phone calls before referring the caller. Many of the people seem genuinely happy that we take the time to help them appropriately.

DISCUSSING HUMAN RIGHTS PROBLEMS WITH THE CITY MANAGER

Chapter 25 calls for the Commission to discuss human rights problems with the City Manager and make recommendations. We have worked with the Manager's office to

establish an AIDS policy for city employees which does not discriminate on the basis of disability. We are also researching affirmative action plans from other cities, so that we can make suggestions to the Manager and Affirmative Action Director to revise the city's plan which is somewhat outdated.

At the suggestion of the City Manager's office, we are developing a guide to help city departments avoid asking discriminatory questions in hiring interviews. We have also made suggestions to the Personnel Department on training sessions for city employees on AIDS, sexual harassment, and lawful interviewing practices. We expect to continue to provide this kind of assistance, which helps the city avoid liability for impermissible acts by its employees and furthers the goals of equal employment opportunity.

CITY CONTRACTOR COMPLIANCE WITH CHAPTER 25

Chapter 25 requires city contractors and subcontractors to abide by its non-discrimination provisions and to prominently post a notice of prohibited discrimination. City contracts are to contain covenants of agreement by the contractors and subcontractors not to violate the ordinance. The Commission has proposed to the Purchasing Department and the Law Department language which should be incorporated into city contracts and bid forms. The Purchasing Department has been waiting for approval from the Law Department to make the actual changes. In the meantime, the Purchasing Department

has set up a system of providing all contractors and subcontractors with copies of the Notice which must be posted.

EDUCATION AND OUTREACH

As part of its work under Chapter 25, the Commission has begun to develop a program for community education.

Notice of Prohibited Discrimination

Chapter 25 requires that a notice of prohibited discrimination be prominently posted by Cambridge employers of 100 or more employees, every owner of an apartment building or housing complex of 15 or more units, every realtor, real estate agent, every City department and contractor, and every apartment and roommate service. We printed the notice in four languages, English, Spanish, Portuguese and Haitian Creole, and assembled lists of the covered employers, landlords, and other businesses. A total of 2575 copies were distributed. We also worked with Barbara Duffy of the Purchasing Department to distribute the notice to every city contractor and sub-contractor. In addition, 392 copies of the notice were sent to Cambridge tenants' unions, labor unions, and community organizations. A press release was also issued to all Cambridge media.

Training workshops

In conjunction with the distribution of the notice, we developed training workshops for employers, landlords, and community groups about the provisions of the Human Rights

Ordinance, with a particular focus on employment discrimination and fair housing practices. To date we have held workshops on housing discrimination for the staff of the M.I.T. housing office, Patty Michaels Real Estate Co., and Richard Currier Associates, with assistance from Donna Brescia, fair housing planner for the city. We also conducted employment discrimination workshops for the Hyatt Regency Hotel Personnel Department, and staff of the Cantabridgia HRI nursing home. We have scheduled workshops with Christopher's Restaurant, Howard Johnsons, the Polaroid Corporation, and Sancta Maria Hospital.

Community Education

Recently, we were asked by a community-based social service agency working primarily with the Latino community in Cambridge for our help in dealing with the problem of housing discrimination on the basis of national origin among other housing problems. We helped bring together a group of Cambridge housing services providers; the group has decided to hold two series of workshops, one in Spanish will inform the public about housing services and rights including the right to fair housing practices. The other series, specifically geared to service providers, is intended to improve referral networks and share information. The model and workshops that we develop for the Hispanic community can also be used to educate other communities in the City about housing resources and the housing

discrimination laws.

Cambridge Community Housing Resource Board

The Human Rights Commission participates as a member of the Community Housing Resource Board, which is funded by the U.S. Department of Housing and Urban Development to ensure fair housing practices on the local level. Currently, we are helping the Board design a housing resource book for use by community organizations.

Middlesex County District Attorney's Office
Civil Rights Conference

The District Attorney's Office is planning a conference on civil rights and human rights for mid-March. We are assisting with the planning of workshops and selection of speakers and participants.

Educational Pamphlets and Brochure

The Commission is designing an informational brochure about the Human Rights Ordinance (Chapter 25) and the Commission. Five thousand copies of the brochure will be printed and distributed to individuals, community groups and agencies in order to acquaint the community with the rights established by the law.

In addition, we have seen a particular need for better education on housing discrimination. We have begun work on pamphlets for both tenants and landlords on housing discrimination against people with children and against recipients of Section 8 and Chapter 707 rent subsidies.

The New Immigration Law

Congress recently passed a new immigration law that may dramatically affect employees who are undocumented or originally came from another country. Under the law, employers who hire undocumented workers may be subject to heavy fines. This provision may lead some employers to discriminate on the basis of national origin against employees who are lawful U.S. residents or citizens. Since Cambridge has a large refugee and immigrant community, the Commission has begun to study the provisions of the law as they pertain to employment discrimination and their effect on the provisions of Chapter 25.

High School Human Rights Committee

A group of teachers and administrators at Cambridge Rindge and Latin School have formed a human rights committee to address issues of prejudice that have arisen there, particularly homophobia and racism. We have provided information about Cambridge's human rights law and are working together with the committee to plan training sessions for teachers about prejudice.

ADMINISTRATION AND INTERNAL DEVELOPMENT

In the last six months, the Commission continued the work of setting up the office both physically and functionally. This included:

- ◆ Hiring and training an administrative assistant
- ◆ Purchasing legal journals and other reference materials, furniture, office supplies, file cabinets,

a computer and printer

- ♦ Learning use of the computer
- ♦ Establishing filing systems for inquiries, complaints, training tapes, and educational materials
- ♦ Developing accounting procedures
- ♦ Creating forms, including complaints, subpoenas, and intake forms
- ♦ Adopting operating guidelines

We contacted various area law schools, interviewed and hired three law student interns, each for an eleven-week period under the Northeastern Law School Cooperative Education program. They and six law student volunteers have provided much needed assistance researching cases and issues and investigating complaints. The office also began to develop working relationships with other city commissions and departments, and organizations and staff members of the Boston Human Rights Commission, Boston Fair Housing Commission, the Lawrence Human Rights Commission, the Mass. Commission Against Discrimination, and the District Attorney's Office.

Expenditures

As of the beginning of January, 1987, the Commission has spent or encumbered approximately \$35,900 out of a total FY86-87 budget of \$78,005. More than half of these expenditures (\$22,242) were for staff salaries. The second largest expense was in the area of professional and technical services, including \$5,900 for three full-time law student

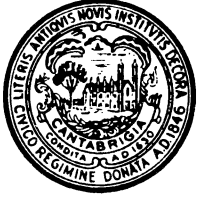
interns and \$300 for artist's fees in designing our brochure. Surgical and medical expenses accounted for \$5,170 and more than \$1,000 was spent for operating expenses, primarily production expenses for the notice of prohibited discrimination, copying and typesetting, postage and general office supplies. \$550.00 was spent on the purchase of books, subscriptions and staff training, and close to \$450 on commissioner training. Smaller expenditures were made for business travel, equipment maintenance and refreshments.

CONCLUSION

In the first half of FY86-87, the Commission has established its office and begun work on the tasks set out for it in Chapter 25. In the remainder of this fiscal year, we intend to do much more educational work in our neighborhoods and communities to inform the public of the existence of the Commission, the services it provides and the requirements of the law. We hope to publish a number of pamphlets which will be informative to employers and employees, landlords and tenants. Priorities include speeding up the processing of complaints and providing training to the Commissioners on the conduct of formal public hearings, the determination of cases, and more in-depth mediation training.

We believe it is to the credit of Cambridge that it has created a local agency which works to alleviate prejudice and intolerance, and we look forward to continuing that effort in

intolerance, and we look forward to continuing that effort in the coming months.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

January 26, 1987

To the Honorable, the City Council:

In response to City Council Orders No. 15 and No. 17 of December 15, 1986, I submit the attached reports from Jonathan Handel, Chair, and Sarah Wunsch, Executive Director of the Human Rights Commission. This report outlines the activities and expenditures of the Human Rights Commission during the first half of FY87.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over the typed name and title.

Robert W. Healy
City Manager

F-27

Re: report from the Human Rights Commission outlining the activities & expenditures of the Human Rights Commission during the first half of FY87.

In City Council,

January 26, 1987

Placed on F-11