



# City of Cambridge

19.

COUNCILLOR VELLUCCI

IN CITY COUNCIL  
August 15, 1984

ORDERED:

Motion by Councillor Alfred E. Vellucci that the Human Rights Ordinance, as submitted by said Councillor Alfred E. Vellucci, be and hereby is substituted and replaced by the attached Ordinance which was amended by "amendments" offered and incorporated into "substitute amendments" by Councillor Alice K. Wolf and Councillor David E. Sullivan.

The proposed amendment was passed to a second reading at the City Council meeting held on August 15, 1984.



*Proposal # 1*  
**City of Cambridge** *submitted*  
*by C. Vellucci*  
9.

IN CITY COUNCIL

April 23, 1984

COUNCILLOR VELLUCCI

**ORDERED:**

That the attached amendment to the General Ordinances relative to the establishment of a Commission on Human Rights, which is currently pending in the Ordinance Committee, be referred to said Ordinance Committee for a hearing and report.

COMMISSION OF HUMAN RIGHTS

1. There shall be a Commission of Human Rights consisting of nine members, which may be altered by an amendment to this ordinance by the City Council.
2. The members shall be appointed by the City Manager for terms of three years. Initial appointments shall be for the following terms: three members for a term of three years, three members for a period of two years, and three members for a period of one year.
3. Not less than two months prior to making such appointments, or re-appointments, the City Manager shall solicit nominations from as many public service groups and other sources which he deems appropriate as possible, including but not limited to:
  - A. A member of the City Council, a member of the School Committee, the Cambridge Affirmative Action Officer, a member of the Cambridge Housing Authority, the Assistant City Manager in charge of Human Services, a member of the clergy, and three citizens with at least four years of permanent residence in Cambridge.
  - B. All members of the Commission shall be residents of the City of Cambridge when appointments are being made by the City Manager.
  - C. The Commission shall elect a chairperson from among its members. The chairperson shall be elected at the first meeting in January each year. The Commission members shall make an attempt to rotate the election of a chairperson each year thereafter.

D. The Commission of Human Rights shall work with the City Manager and/or his assistants on matters pertaining to the human rights of Cambridge citizens. The main purpose for which this ordinance is enacted is to protect the human rights of all the citizens of Cambridge. It is the intent of this ordinance to create a formal working relationship between an organized group of citizens and the City Manager while at the same time allowing the City Manager to retain full authority for action as he now possesses under the General Ordinances of the City of Cambridge and the General Laws of the Commonwealth of Massachusetts.

4. The Commission shall discuss human rights problem areas with the City Manager and make recommendations necessary to protect the human rights of all Cambridge citizens and employees.

A. The Commission shall request of the City Manager such information and staff support as is reasonable so that it may be properly informed.

B. The Commission may make review and comment on all matters pertaining to the human rights of citizens. They may examine and scrutinize and comment on department budgets including the school department budget.

C. The City Manager shall appoint a part-time secretary for the Commission of Human Rights who shall prepare meeting notices and agendas, coordinate information needs of the commission, record minutes of commission meetings, distribute materials to commission members and perform whatever additional duties are assigned by the commission. The secretary to the commission shall also keep the commission informed of all complaints or calls which come into the office from the public.

D. The City Manager shall provide office space in City Hall to the Commission in order to give easy access to citizen complaints.

E. Each year, the Commission of Human Rights and the City Manager, together or separately, shall report to the City Council in writing as to the progress that is being made under this ordinance. These written reports may properly contain suggestions and recommendations which will further the aims of this ordinance.

F. If any section, sub-section, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

5. The Commission through request of the City Manager may obtain assistance from the City of Cambridge Law Department, from the City Solicitor and/or his staff. The Commission may at any time question matters pertaining to Cambridge bona-fide, residents who are faculty members and/or students of local schools and universities who are involved in Human Rights complaints.

A. The scope of the Commission of Human Rights is as follows:

(AMENDMENT)

- A. The Commission shall receive and investigate complaints of, and initiate its own investigation of
1. Denial of equal access to, and discrimination in employment, housing, education, recreation, and public accommodation where such denial or discrimination against either an individual or a group is based on race, color, religious creed, national origin, sex, age, or ancestry.
  2. Denial to any person or group of equal access to and benefit from any and all public services.
  3. Denial to any person or group of full participation in economic opportunities, whether in obtaining employment, receiving wages comparable to those of all others performing comparable work, or securing credit and other services from any financial institution, where such denial is based on sex, national origin, race, color, religious creed, age, or ancestry.
  4. Denial to any person or group of equal access to, and discrimination in employment, housing, education, recreation, public accommodations, public facilities, and public services where such denial or discrimination is based on a handicapping condition(s).
  5. Denial to any person or group of equal access to benefit from public services (whether publicly or privately provided) in employment, housing, education, recreation, or other areas where such denial is based on limited English language skills.
  6. Presence in the City of prejudice, intolerance, or bigotry, including but not limited to such matters as the choice

of lifestyle, and the consequences such attitudes in the community engender.

- B. The Commission shall attempt, primarily through mediation, to resolve any complaint received and to recommend to the City Manager or other appropriate governmental agency such action as it determines will resolve the matter. In the event that such resolution or recommendation proves an insufficient remedy for the complaint, the Commission shall assume responsibility for referring the matter to the appropriate entity.
- C. 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 to eliminate prejudice, intolerance, bigotry, and discrimination and 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 to further the intent and purposes of this ordinance.



# City of Cambridge

11.

*Proposal # 2*

*submitted by*

*C. Wolf.*

**IN CITY COUNCIL**  
June 4, 1984

COUNCILLOR WOLF

ORDERED:

That the Ordinance establishing a Cambridge Human Rights Commission to protect Human Rights within the City of Cambridge and defining and prohibiting discrimination be referred to the Ordinance Committee; and be it further

ORDERED:

That the City Solicitor be hereby requested to submit recommendations for any modifications that he deems appropriate prior to any scheduled hearing of the Ordinance Committee.



# City of Cambridge

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In the Year One Thousand, Nine Hundred-Eighty Four

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge.

*Be it ordained by the City Council of the City of Cambridge as follows:*

That the Code of the City of Cambridge is hereby amended by adding at the end thereof a new Chapter 25 entitled "Cambridge Human Rights Commission", which reads as follows:

CHAPTER 25

CAMBRIDGE HUMAN RIGHTS COMMISSION

## Section 25-1. Public Policy

Any practice that by design or effect discriminates against individuals because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is of public concern, as such discrimination creates strife, hostility and unrest, threatens or impairs the rights and privileges of individuals and deprives individuals of the benefits of a free and open society. Discrimination that deprives individuals of equal opportunities is unjust and results in serious injury to the public safety, health, and welfare in this City.

Accordingly, it is the policy of the City of Cambridge to safeguard the equal opportunities of all individuals in the City in accordance with their abilities, regardless of their race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income and to prevent discrimination against such individuals in the provision of city services and in employment, housing and real estate, education, credit, bonding, insurance, and public accommodations.

Further, it is the policy of the City to encourage harmony and mutual respect among its inhabitants and visitors and to reduce tensions and strife caused by discrimination.

## Section 25-2. Cambridge Human Rights Commission

### 2.1. Establishment

There is hereby established a Cambridge Human Rights Commission, hereinafter called "the Commission."

The Commission shall be considered a Department of the City, with all the rights and responsibilities thereof. The executive director of the Commission shall be considered the department head.

### 2.2. Membership

The Commission shall consist of eleven (11) members appointed by the City Manager, for terms of three (3) years, provided, however, that of the members first appointed to the Commission, four (4) shall be appointed for a term of one (1) year; four (4) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. Thereafter, the City Manager shall appoint each successor to a term of three (3) years. Any vacancy

occurring otherwise than by expiration of term shall be filled by appointment by the City Manager for the unexpired term.

In keeping with the policy of the Cambridge City Council, the members of the Commission shall be representative of the population of the City of Cambridge. The Commission shall contain members of groups traditionally targets of discriminatory behavior.

All members of the Commission shall be residents of the City of Cambridge at the time of their appointment and throughout their tenure.

### 2.3. Organization

The Commission shall select a Chairperson and other such officers as it deems necessary at its first meeting and, subsequently, at the first meeting of each calendar year.

Six (6) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by majority vote of the Commission members present and voting.

The Commission shall adopt Rules and regulations consistent with this Ordinance and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Ordinance and the powers and duties of the Commission in connection therewith. Said rules shall insure the due process rights of all persons involved in investigations and hearings.

All records of the Commission shall be public except as provided by state law.

Members of the Commission shall serve without compensation but reasonable per diem and necessary expense reimbursement shall be paid out of the budget of the Commission.

### 2.4. Staffing

The Commission shall, with the advice and consent of the City Manager, employ an Executive Director who shall be the executive officer of the Commission and shall be responsible for carrying out the policies and decisions of the Commission. The Commission may employ an Administrative Assistant or such other personnel as it may from time to time deem necessary.

The Commission shall, when appropriate, request the assistance of the staff and Commissions of the City engaged

in related work, such as the Commission on the Status of women, the Civic Unity Committee, the Commission on the Handicapped, the Fair Housing Office, the Affirmative Action officer, the Consumers' Council, the Council on Aging, and the Veterans' Service Department, and shall at all times work cooperatively with these groups.

The Commission shall receive aid, advice, and opinions from the City Solicitor and the legal department, and be represented in court by the City Solicitor.

## **2.5. Facilities**

The Commission shall be assigned office space in City Hall, the City Hall Annex, or other readily accessible location.

## **2.6. Functions, Powers, and Duties**

The function of the Commission shall be to implement the policy of this Ordinance 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.

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 Ordinance.
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 complaint and, if deemed expedient, to hold hearings, summons witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any relevant evidence. The power to summons witnesses as herein defined shall be limited to

those powers and procedures set forth in Chapter 233, Section 8 of the Massachusetts General Laws. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel present during any such hearing.

4. with respect to complaints not resolved by mediation, to file a complaint or report of its findings and recommendations with any court or government agency having jurisdiction over the matter in question; to seek or apply remedies as enumerated in Section 2.7.4; and in all cases urging and using its best efforts to bring about compliance with its recommendations.
5. To provide such workshops and public presentations, and to issue such publications and such results of investigations and research as, in its judgement, will promote good will and minimize or eliminate discrimination.
6. To study the problems of prejudice, intolerance, bigotry, and discrimination in the City of Cambridge and make such recommendations to the City Manager and City Council as, in its judgement, will effectuate the policy of this Ordinance and annually to make a written report to the City Manager and City Council of its activities.
7. To receive from the City Manager, department heads, and Superintendent of Schools, such information and assistance as, in the Commission's judgement, will effectuate the policy of this Ordinance.
8. To enlist the cooperation of community organizations, city or other government agencies and departments, and other groups in the effectuation of the policy of this Ordinance.
9. To seek or accept grants, gifts, or bequests to help finance its activities.

## 2.7. Complaint Procedures

### 2.7.1. Filing of Complaint

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 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 Ordinance.

No complaint shall be considered unless it is filed within one hundred eighty (180) days after the occurrence of the alleged unlawful practice.

The filing of a complaint, the failure to file a complaint, or the dismissal of complaint by the Commission shall not bar the complainant from seeking relief by means of a civil action filed in the Cambridge District Court or the district court for the judicial district in which the respondent resides. 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.

### 2.7.2. Investigation of Complaint

After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

If such Commissioner(s) determine after such investigation that no probable cause exists for crediting the allegations of the complaint, they shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten days from such determination, notify the complainant in writing of such determination.

If such Commissioner(s) determine after such investigation that probable cause does exist for crediting 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 conference, conciliation, and persuasion to eliminate the unlawful practice. The Commission and its staff shall not disclose what has occurred in the course of such endeavors except to disclose the terms of conciliation when the complaint has been disposed of in this manner.

### 2.7.3. Hearings

In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety (90) days have passed from commencement of mediation, 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 himself or herself or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.

### 2.7.4. Remedies

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

If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this Ordinance, the Commission shall state its findings of fact and shall forthwith seek relief through one or more of the following actions:

1. File a criminal complaint against the respondent in the Cambridge District Court or the district court for the judicial district in which the respondent resides, seeking fines of up to Three Hundred Dollars (\$300) for each such violation;
2. Levy a fine on its own motion of up to Three hundred Dollars (\$300) for each such violation;
3. File a complaint against the respondent in Superior Court seeking injunctive relief, including a temporary restraining order; or
4. File a complaint against the respondent in a court of appropriate jurisdiction seeking the award to

the complainant of damages, expenses, punitive damages, and other relief, as appropriate.

The Commission may be represented in court by the City Solicitor or by its own attorneys.

### Section 25-3. City Services

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to discriminate against any person in the provision of services, facilities, employment, housing or real estate transactions, education, or other opportunities because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to commit any act prohibited in this Ordinance which would be unlawful if committed by a private person.

It shall be a crime punishable by a fine of not more than Three hundred Dollars (\$300) per violation to willfully violate this Section.

### Section 25-4. City Contracts

Any contract entered into by the City or the Cambridge schools, or any of their agencies, departments, or subdivisions shall contain a covenant by the contractor and his or her subcontractors not to violate this Ordinance. Breach of this covenant shall be regarded as a material breach of the contract.

This Section shall not impair the obligation of any presently existing contract.

### Section 25-5. Notices

The City of Cambridge, every City contractor and subcontractor, every employer with one hundred (100) or more employees, every owner of an apartment building or housing complex of fifteen (15) or more units, every employment agency, every realtor and real estate agency, and every apartment or roommate service shall prominently post and keep

posted the following notice at its place of business or in such apartment building or housing complex:

"Discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is unlawful in the City of Cambridge. Chapter 25, Cambridge City Code.

Cambridge Human Rights Commission  
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The blanks in the model above shall be properly filled with the address and telephone number of the offices of the Commission.

It shall be a crime punishable by a fine of not more than fifty dollars (\$50) per violation to willfully violate this Section.

## Section 25-6. Unlawful Practices

### 6.1. Criminal Acts

It shall be a crime punishable by a fine of not more than Three Hundred Dollars (\$300) per violation to commit any unlawful practice under this Section 6.

### 6.2. Employment

It shall be an unlawful practice for an employer directly or indirectly to refuse to hire or employ or to bar or to discharge from employment, training, or apprenticeship or to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment, training, or apprenticeship, because of the race, color, sex, age, religious creed, physical handicap, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on or bona fide occupational qualification. An employer who asserts that a discriminatory practice is justified because of a bona fide occupational qualification that has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151C of the Massachusetts General Laws, shall have the burden of showing 1) that the discrimination is in fact a

necessary result of a bona fide occupational qualification, and 11) that there exists no less discriminatory means of satisfying the occupational qualification.

The following practices shall be exempt from the operation of this Section:

1. Employment practices of an employer of fewer than six (6) persons.
2. Employment of an individual by his or her parent, child, or spouse.
3. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose.
4. Employment of an individual for work within the home of the employer.
5. Employment of an individual for the rendering of services to the person of the employer or his or her family.

The following practices shall not be deemed unlawful:

1. Employment programs designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided that such employment programs shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in section 7.3 (4) hereof.
2. Employment limited to the elderly or disabled, provided that such employment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in section 7.3 (4) hereof.
3. Observance by an employer of the conditions of a bona fide employee benefits system or plan (including, but not limited to, a contractual seniority system), provided that no such system or plan shall provide an excuse for failure to hire any individual.

### 6.3. Employment Agencies

It shall be an unlawful practice for an employment agency directly or indirectly to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual. An employment agency that specializes in the recruitment and placement of elderly or disabled employees shall be exempt from the operation of this Section with respect to such specialized services, provided that such service shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

### 6.4. Labor Organizations

It shall be an unlawful practice for a labor organization directly or indirectly to refuse to admit to membership, training, apprenticeship, or classification or to limit or terminate the privileges of membership, training, apprenticeship, or classification or to otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual.

### 6.5. Employment Advertising

It shall be an unlawful practice for an employer, employment agency, or labor organization directly or indirectly to advertise or otherwise publicize that any individual is unwelcome or not employable because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification or one the exceptions set forth in Sections 6.2, 6.3, or 6.4.

### 6.6. Real Estate

It shall be an unlawful practice for any person directly or indirectly to refuse to engage in a real estate transaction with any person or to set discriminatory terms or conditions with respect to a real estate transaction with any person or to advertise or otherwise publicize that any person is unwelcome or may not enter into a real estate transaction because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation,

marital status, family status, military status, or source of income of such person or of a person residing with such person.

This Section does not create an affirmative duty to remove barriers for the disabled in excess of the requirements of existing laws and ordinances.

The following practices shall be exempt from the operation of this Section:

1. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessee as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessee in order to gain access to the room or rooms thus let or rented.
2. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessee as his or her residence.
3. The leasing, rental, or other provision with or without fee of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.

The following practices shall not be deemed unlawful:

1. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which programs are designed to assist the elderly, disabled, or economically disadvantaged individuals, provided that such programs shall not discriminate among the elderly, disabled, or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The establishment of housing set aside for or limited to the elderly or the disabled, provided that such establishment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

3. The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including but not limited to half-way houses, drug treatment centers, detoxification facilities, shelters for the homeless, and the like.

#### 6.7. Credit

It shall be an unlawful practice for any bank, financial institution, or any other credit-granting or -approving institution or person, including a retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval, or extension of any form of loan or credit to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person. It shall not be an unlawful practice under this Section to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness as amount and source of income, age, employment history, credit references, and the number and age of dependents.

#### 6.8. Insurance

It shall be an unlawful practice for any insurance company, insurance agent, or person engaged in the service of providing insurance to refuse to insure any person or discriminate in the terms of insuring any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person, unless based on a  ~~bona fide~~  actuarially determined insurance factor, such as the age or health of the person, that affects the risk for which insurance is being sought.

#### 6.9. Bonding

It shall be an unlawful practice for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

#### 6.10. Education

It shall be an unlawful practice for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, programs, opportunities, or curriculum offered by it to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The establishment by an educational facility of minimum or maximum age requirements for any educational program, provided that such establishment shall not discriminate among the potential students on the basis of other discriminatory criteria as set forth in Section 7.3 (a) hereof.
2. The selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion, provided that such selection shall not discriminate among the members of such religion on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
3. The maintenance or establishment by an educational facility of a school or program limited to members of only one sex or otherwise segregated by sex, provided that such facility shall not discriminate among the members of such sex on the basis of other discriminatory criteria as set forth in Section 7.3 (e) hereof.
4. Educational programs or policies designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided

that such programs or policies shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

5. The establishment by an education facility of special programs designed to assist or provide special training for the disabled, the elderly, individuals not fluent in English, or the economically disadvantaged. provided that such selection shall not discriminate among the disabled, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

#### 6.11. Public Accommodations

It shall be an unlawful practice for any person directly or indirectly to withhold, deny, curtail, or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The designation of a public accommodation for the exclusive or preferential use of the elderly or the disabled.
2. The designation of a rest room or of a privately-owned athletic or exercise facility for the exclusive or preferential use of members of a single sex.
3. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, national origin or ancestry, sexual orientation, marital status, family status, or military status, provided such preference is not advertised as or implied to

be a requirement for entry or use of such public accommodation.

#### **6.12. Harassment**

It shall be an unlawful practice for any person to attempt to harass, intimidate, threaten, assault, or otherwise discriminate against any person in or upon any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

#### **6.13. Subterfuge**

It shall be an unlawful practice for any person to commit any act forbidden by this Ordinance for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of any person.

#### **6.14. Aiding or Coercing**

It shall be an unlawful practice for any person to aid, abet, incite, compel, coerce, or conspire to the commission of any of the acts forbidden by this Ordinance or to attempt to do so.

#### **6.15. Retaliation**

It shall be an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this Ordinance or because such person has filed a complaint, testified, or assisted in any proceeding under this Ordinance.

### **Section 25-7. Construction and Definitions**

#### **7.1. Construction of Ordinance**

The provisions of this Ordinance shall be construed liberally for the accomplishment of the purposes hereof, and any ordinances or portions thereof inconsistent with any provisions hereof shall not apply.

This Ordinance shall be deemed an exercise of the police power of the City of Cambridge for the protection of the

public safety, health, prosperity, and welfare.

## 7.2. Severability

Should any Section, provision, paragraph, sentence, or word of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the portion so declared to be invalid.

## 7.3. Definitions

As used in this Ordinance,

1. The term "age" shall mean the actual or supposed chronological age of an individual eighteen (18) years or older.
2. The term "bona fide occupational qualification" shall mean a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, 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 (hereinafter referred to as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. The term "disability" shall mean any actual or supposed physical or mental handicap of an individual, other than the state of being presently legally incompetent.
4. The term "discrimination" shall mean 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, marital status, family status, military status, or source of income.
5. The term "educational facility" shall mean any person, whether organized for profit or not-for-profit, that hold itself out to the public as providing instruction in the arts, sciences, trades, or any other area of learning.
6. The term "family status" shall mean the actual or

supposed condition of having minor children living with the individual or not.

7. The term "real estate transaction" shall mean 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 public agency, including the design, construction, alteration, repair, sale, lease, sublease, mortgage, rental, or other provision, term, or offer of the same.
8. The term "labor organization" shall mean any association, regardless of its form of organization, of employees or persons involved in similar trades or industries for the purpose of collective bargaining, resolving grievances in the terms and conditions of employment, or any other mutual aid or protection.
9. The term "marital status" shall mean the actual or supposed state of being or having been married, separated, or divorced, or not.
10. The term "military status" shall mean the actual or supposed condition of being or having been in the service of the military, or not.
11. The term "public accommodation" shall mean any place or site, business or other establishment, or medium of communication, whether owned privately or by a public agency, that is intended for the patronage or use or convenience, whether for a charge or fee or not, of the general public, including but not limited to, inns, hotels, motels, roadhouses, trailer parks, campsites, any place where food or beverage is sold, retail stores, shopping malls, dispensaries, clinics, hospitals, rest homes, nursing homes, hospices, physicians' offices or other medical facilities, rest rooms, bathhouses, parks, public grounds, gardens, theaters, lecture halls, newspapers and magazines and other publications, barber shops, beauty parlors, motion picture houses, music halls, bowling alleys, amusement parks and arcades, skating rinks, ballparks, billiard and pool parlors, recreation parks, fairs, golf courses, gymnasiums, health clubs, shooting galleries, art galleries, libraries, laundries, garages, all public conveyances whether owned privately or by a public agency, transportation terminals and stations, public portions of buildings

accommodating the public, clubs, societies, and social associations that are public or quasi-public, banks, finance companies, insurance companies, streets, and parking lots.

Nothing contained herein 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 Section 7.3; 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 Ordinance 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 this 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, marital status, family status, military status, or source of income.

12. The term "religious creed" shall mean the actual or supposed faith, belief, or moral philosophy of an individual or the lack thereof.
13. The term "sexual orientation" shall mean actual or supposed heterosexuality, homosexuality, or bisexuality.
14. The term "source of income" shall mean the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents, excluding the use of criminal activities as a means of support.

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- June 19, 1984 -

- 558 - Comms on Ordinances -

Presiding L. Vellucci

Present ChWolf, Ed Sullivan nr 558

- Vellucci - L. D. Sullivan -

#1 Mayor Kasberg Compt. vs Discrimination  
Statement 1980

#2 Comrade Civil Unity Comms  
- Statement Pennie Simmons -

657 Bob Alvandis  
{ Comms Com on Handicapped Persons }

- Verdict - can stop Discrimination -  
Sign language for City Council Meetings  
Better Communication to Handicapped  
701 Unless done spec in Federal or State  
law -

705/04  
→ Non Speech include Sex Orientation -  
include in ordinance

→ Not a matter of Preference

Some cannot be heterosexual  
even after trying for years

Kevin Lattimer 215/461111

- Book of address, procedures - hidden structure  
- Congress the program -  
Need and to practice

- Strong - Civil Rights  
- Would go in any way -  
- LL has choice - strong or weak  
- strong LL to provide

Strong Strong rep status of Women  
- Strong Strong as status of Strong  
- 4 Behaviors There

Strong and to operate and work with own proposals  
- Make it possible to avoid discrimination  
- City of Cambridge

Janet Ferone President Boston Now Chapman  
- 99 Bishop Allen Dr. Cambridge

Strong Strong Civil Rights Association

1500 members - some members

Discrimination exists in many levels

Discrimination exists - Human Employment

- etc -

-> Need Strong Five Principles  
-> Strong LL to pass strong as end

I

Discuss itself is immoral

— Civil Rights Issue - NOT ONE OF  
— Scriptural Precedence -  
Need protection of law -  
No prejudice - w/o exception -  
Law should educate - what is right  
and acceptable

A Not asking for approval of gay line  
Study -  
Asking for legal protection under  
Section  
Hoped adoption of law per  
Civil Rights -

Mr Fred happy

Phred is een

een strongly supports Civil Rights for  
all in City of Long  
— God was needed - said today  
Comm - need equality -

Having

Poor people info -  
Keep opportunities

The Discrim - Orientation

Family income

A Both proposed - provide local place to go

3.

115/100

Need enforcement power  
Wage to adopt strong measures

Deborah Meyer ↓  
Rep. Maria Fomon - Comm. Human Res &  
Ordinary

Old Law a Church Monica Hyman  
1151 Main Ave

Proton

Wage to set up standards for  
who are vulnerable - hold  
people accountable.

→ Heard 10 of all ten categories  
→ Focus - wage - to pass C. 147F  
ordinance

120  
125

Kevin Cathcart 285 Harvard St Camb. MA

Nancy Ryan Cambridge Comm. on Status of Women  
& Ashburton Pl.

Robert F Richards 76 Antreim St Camb.

729  
PM

Tavis Payne - Movement - Acc'd -

Wolpe re Clutter Hearing these together  
Not name between W & V -

- Not a competition -
- A coop effort to work this out -

W I got suspicious David I came to support -

Johnston Johnston Hand 367 Hand

Wed 24th Dem Committee  
W's. Conf of Manus Philosophy Religion  
All citizens - regardless of sex  
Orientation, etc -

Speech - re Holding Hands -  
Yelling Queen - etc -  
Wearing Boy Friend - no help -  
on green hill platform -  
No help - they stopped -  
Paul St. Station

- Emotional input - great -
- physical - not -
- Need understanding - education -
- To alleviate fears -

People are helping  
James West and Frank Wood

Civil Rights

Amos Johnson  
Constitution Street

Record now try  
Record in supp 00 / James Otis DeLancey

755 / pm → 1704 Ave Delabucary del Howard Gray Bow  
Plant Phic How Waser  
Fired up notes due to being a heirion  
→ Angry par most Camp H.R. and soon  
with strong enforcement -  
- Enquiry of those phases to be included

756 / → Brenda Walcott 12 Prince St.  
supp the except not any one  
of two proposals  
→ step for govt enroll of Human Rights  
Individual - acting out of conscience  
but come up with a strong effective

758 / → Tom Burman Barry  
Howard St Howard Street -  
Tom try - Faces down - because he  
- is gay -  
- figures and would help -  
250,000 Budget - in Organization -  
Gay Rights - frustrate frustrate because he  
was gay.

Abduction situation Key Couple about Child

Beating

Handwritten

Loss of one of patients is tracking -

→ 803 / Henry closed

He was in episode 10

Lead to CL Both

W/1 McLaughlin

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B. The Commission may make review and comment on all matters pertaining to the human rights of citizens. They may examine and scrutinize and comment on department budgets including the school department budget.

C. The City Manager shall appoint a part-time secretary for the Commission of Human Rights who shall prepare meeting notices and agendas, coordinate information needs of the commission, record minutes of commission meetings, distribute materials to commission members and perform whatever additional duties are assigned by the commission. The secretary to the commission shall also keep the commission informed of all complaints or calls which come into the office from the public.

- D. The City Manager shall provide office space in City Hall to the Commission in order to give easy access to citizen complaints.
  - E. Each year, the Commission of Human Rights and the City Manager, together or separately, shall report to the City Council in writing as to the progress that is being made under this ordinance. These written reports may properly contain suggestions and recommendations which will further the aims of this ordinance.
  - F. If any section, sub-section, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
5. The Commission through request of the City Manager may obtain assistance from the City of Cambridge Law Department, from the City Solicitor and/or his staff. The Commission may at any time question matters pertaining to Cambridge bona-fide, residents who are faculty members and/or students of local schools and universities who are involved in Human Rights complaints.
- A. The scope of the Commission of Human Rights is as follows:

- A. The Commission shall receive and investigate complaints of, and initiate its own investigation of \_\_\_\_\_
1. Denial of equal access to, and discrimination in employment, housing, education, recreation, and public accommodation where such denial or discrimination against either an individual or a group is based on race, color, religious creed, national origin, sex, age, or ancestry.
  2. Denial to any person or group of equal access to and benefit from any and all public services.
  3. Denial to any person or group of full participation in economic opportunities, whether in obtaining employment, receiving wages comparable to those of all others performing comparable work, or securing credit and other services from any financial institution, where such denial is based on sex, national origin, race, color, religious creed, age, or ancestry.
  4. Denial to any person or group of equal access to, and discrimination in employment, housing, education, recreation, public accommodations, public facilities, and public services where such denial or discrimination is based on a handicapping condition(s).
  5. Denial to any person or group of equal access to benefit from public services (whether publicly or privately provided) in employment, housing, education, recreation, or other areas where such denial is based on limited English language skills.
  6. Presence in the City of prejudice, intolerance, or bigotry, including but not limited to such matters as the choice

of lifestyle, and the consequences such attitudes in the community engender.

- b. The Commission shall attempt, primarily through mediation, to resolve any complaint received and to recommend to the City Manager or other appropriate governmental agency such action as it determines will resolve the matter. In the event that such resolution or recommendation proves an insufficient remedy for the complaint, the Commission shall assume responsibility for referring the matter to the appropriate entity.
- c. 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 to eliminate prejudice, intolerance, bigotry, and discrimination and 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 to further the intent and purposes of this ordinance.



# City of Cambridge

11.

COUNCILLOR WOLF

IN CITY COUNCIL  
June 4, 1984

ORDERED:

That the Ordinance establishing a Cambridge Human Rights Commission to protect Human Rights within the City of Cambridge and defining and prohibiting discrimination be referred to the Ordinance Committee; and be it further

ORDERED:

That the City Solicitor be hereby requested to submit recommendations for any modifications that he deems appropriate prior to any scheduled hearing of the Ordinance Committee.



# City of Cambridge

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In the Year One Thousand, Nine Hundred-Eighty Four

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge.

*Be it ordained by the City Council of the City of Cambridge as follows:*

That the Code of the City of Cambridge is hereby amended by adding at the end thereof a new Chapter 25 entitled "Cambridge Human Rights Commission", which reads as follows:

CHAPTER 25

CAMBRIDGE HUMAN RIGHTS COMMISSION



# City of Cambridge

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In the Year One Thousand, Nine Hundred-Eighty Four

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

That the Code of the City of Cambridge is hereby amended by adding at the end thereof a new Chapter 25 entitled "Cambridge Human Rights Commission", which reads as follows:

CHAPTER 25

CAMBRIDGE HUMAN RIGHTS COMMISSION

## Section 25-1. Public Policy

Any practice that by design or effect discriminates against individuals because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is of public concern, as such discrimination creates strife, hostility and unrest, threatens or impairs the rights and privileges of individuals and deprives individuals of the benefits of a free and open society. Discrimination that deprives individuals of equal opportunities is unjust and results in serious injury to the public safety, health, and welfare in this City.

Accordingly, it is the policy of the City of Cambridge to safeguard the equal opportunities of all individuals in the City in accordance with their abilities, regardless of their race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income and to prevent discrimination against such individuals in the provision of city services and in employment, housing and real estate, education, credit, bonding, insurance, and public accommodations.

Further, it is the policy of the City to encourage harmony and mutual respect among its inhabitants and visitors and to reduce tensions and strife caused by discrimination.

## Section 25-2. Cambridge Human Rights Commission

### 2.1. Establishment

There is hereby established a Cambridge Human Rights Commission, hereinafter called "the Commission."

The Commission shall be considered a Department of the City, with all the rights and responsibilities thereof. The executive director of the Commission shall be considered the Department head.

### 2.2. Membership

The Commission shall consist of eleven (11) members appointed by the City Manager, for terms of three (3) years, provided, however, that of the members first appointed to the Commission, four (4) shall be appointed for a term of one (1) year; four (4) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. Thereafter, the City Manager shall appoint each successor to a term of three (3) years. Any vacancy

occurring otherwise than by expiration of term shall be filled by appointment by the City Manager for the unexpired term.

In keeping with the policy of the Cambridge City Council, the members of the Commission shall be representative of the population of the City of Cambridge. The Commission shall contain members of groups traditionally targets of discriminatory behavior.

All members of the Commission shall be residents of the City of Cambridge at the time of their appointment and throughout their tenure.

### 2.3. Organization

The Commission shall select a Chairperson and other such officers as it deems necessary at its first meeting and, subsequently, at the first meeting of each calendar year.

Six (6) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by majority vote of the Commission members present and voting.

The Commission shall adopt Rules and regulations consistent with this Ordinance and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Ordinance and the powers and duties of the Commission in connection therewith. Said rules shall insure the due process rights of all persons involved in investigations and hearings.

All records of the Commission shall be public except as provided by state law.

Members of the Commission shall serve without compensation but reasonable per diem and necessary expense reimbursement shall be paid out of the budget of the Commission.

### 2.4. Staffing

The Commission shall, with the advice and consent of the City Manager, employ an Executive Director who shall be the executive officer of the Commission and shall be responsible for carrying out the policies and decisions of the Commission. The Commission may employ an Administrative Assistant or such other personnel as it may from time to time deem necessary.

The Commission shall, when appropriate, request the assistance of the staff and commissions of the City engaged

in related work, such as the Commission on the Status of women, the Civic Unity Committee, the Commission on the Handicapped, the Fair Housing Office, the Affirmative Action officer, the Consumers' Council, the Council on Aging, and the Veterans' Service Department, and shall at all times work cooperatively with these groups.

The Commission shall receive aid, advice, and opinions from the City Solicitor and the legal department, and be represented in court by the City Solicitor.

## 2.5. Facilities

The Commission shall be assigned office space in City Hall, the City Hall Annex, or other readily accessible location.

## 2.6. Functions, Powers, and Duties

The function of the Commission shall be to implement the policy of this Ordinance 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.

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 Ordinance.
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 complaint and, if deemed expedient, to hold hearings, summons witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any relevant evidence. The power to summons witnesses as herein defined shall be limited to

those powers and procedures set forth in Chapter 233, Section 8 of the Massachusetts General Laws. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel present during any such hearing.

4. with respect to complaints not resolved by mediation, to file a complaint or report of its findings and recommendations with any court or government agency having jurisdiction over the matter in question; to seek or apply remedies as enumerated in Section 2.7.4; and in all cases urging and using its best efforts to bring about compliance with its recommendations.
5. To provide such workshops and public presentations, and to issue such publications and such results of investigations and research as, in its judgement, will promote good will and minimize or eliminate discrimination.
6. To study the problems of prejudice, intolerance, bigotry, and discrimination in the City of Cambridge and make such recommendations to the City Manager and City Council as, in its judgement, will effectuate the policy of this Ordinance and annually to make a written report to the City Manager and City Council of its activities.
7. To receive from the City Manager, department heads, and Superintendent of Schools, such information and assistance as, in the Commission's judgement, will effectuate the policy of this Ordinance.
8. To enlist the cooperation of community organizations, city or other government agencies and departments, and other groups in the effectuation of the policy of this Ordinance.
9. To seek or accept grants, gifts, or bequests to help finance its activities.

## 2.7. Complaint Procedures

### 2.7.1. Filing of Complaint

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 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 Ordinance.

No complaint shall be considered unless it is filed within one hundred eighty (180) days after the occurrence of the alleged unlawful practice.

The filing of a complaint, the failure to file a complaint, or the dismissal of complaint by the Commission shall not bar the complainant from seeking relief by means of a civil action filed in the Cambridge District Court or the district court for the judicial district in which the respondent resides. 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.

### 2.7.2. Investigation of Complaint

After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

If such Commissioner(s) determine after such investigation that no probable cause exists for crediting the allegations of the complaint, they shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten days from such determination, notify the complainant in writing of such determination.

If such Commissioner(s) determine after such investigation that probable cause does exist for crediting 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 conference, conciliation, and persuasion to eliminate the unlawful practice. The Commission and its staff shall not disclose what has occurred in the course of such endeavors except to disclose the terms of conciliation when the complaint has been disposed of in this manner.

### 2.7.3. Hearings

In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety (90) days have passed from commencement of mediation, 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 himself or herself or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.

### 2.7.4. Remedies

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

If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this Ordinance, the Commission shall state its findings of fact and shall forthwith seek relief through one or more of the following actions:

1. File a criminal complaint against the respondent in the Cambridge District Court or the district court for the judicial district in which the respondent resides, seeking fines of up to Three Hundred Dollars (\$300) for each such violation;
2. Levy a fine on its own motion of up to Three hundred Dollars (\$300) for each such violation;
3. File a complaint against the respondent in Superior Court seeking injunctive relief, including a temporary restraining order; or
4. File a complaint against the respondent in a court of appropriate jurisdiction seeking the award to

the complainant of damages, expenses, punitive damages, and other relief, as appropriate.

The Commission may be represented in court by the City Solicitor or by its own attorneys.

### Section 25-3. City Services

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to discriminate against any person in the provision of services, facilities, employment, housing or real estate transactions, education, or other opportunities because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to commit any act prohibited in this Ordinance which would be unlawful if committed by a private person.

It shall be a crime punishable by a fine of not more than Three hundred Dollars (\$300) per violation to willfully violate this Section.

### Section 25-4. City Contracts

Any contract entered into by the City or the Cambridge schools, or any of their agencies, departments, or subdivisions shall contain a covenant by the contractor and his or her subcontractors not to violate this Ordinance. Breach of this covenant shall be regarded as a material breach of the contract.

This Section shall not impair the obligation of any presently existing contract.

### Section 25-5. Notices

The City of Cambridge, every City contractor and subcontractor, every employer with one hundred (100) or more employees, every owner of an apartment building or housing complex of fifteen (15) or more units, every employment agency, every realtor and real estate agency, and every apartment or roommate service shall prominently post and keep

posted the following notice at its place of business or in such apartment building or housing complex:

"Discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is unlawful in the City of Cambridge. Chapter 25, Cambridge City Code.

Cambridge Human Rights Commission  
----- Cambridge, MA  
-----"

The blanks in the model above shall be properly filled with the address and telephone number of the offices of the Commission.

It shall be a crime punishable by a fine of not more than fifty dollars (\$50) per violation to willfully violate this Section.

## Section 25-6. Unlawful Practices

### 6.1. Criminal Acts

It shall be a crime punishable by a fine of not more than Three Hundred Dollars (\$300) per violation to commit any unlawful practice under this Section 6.

### 6.2. Employment

It shall be an unlawful practice for an employer directly or indirectly to refuse to hire or employ or to bar or to discharge from employment, training, or apprenticeship or to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment, training, or apprenticeship, because of the race, color, sex, age, religious creed, physical handicap, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification. An employer who asserts that a discriminatory practice is justified because of a bona fide occupational qualification that has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151C of the Massachusetts General Laws, shall have the burden of showing 1) that the discrimination is in fact a

necessary result of a bona fide occupational qualification, and 11) that there exists no less discriminatory means of satisfying the occupational qualification.

The following practices shall be exempt from the operation of this Section:

1. Employment practices of an employer of fewer than six (6) persons.
2. Employment of an individual by his or her parent, child, or spouse.
3. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose.
4. Employment of an individual for work within the home of the employer.
5. Employment of an individual for the rendering of services to the person of the employer or his or her family.

The following practices shall not be deemed unlawful:

1. Employment programs designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided that such employment programs shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. Employment limited to the elderly or disabled, provided that such employment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
3. Observance by an employer of the conditions of a bona fide employee benefits system or plan (including, but not limited to, a contractual seniority system), provided that no such system or plan shall provide an excuse for failure to hire any individual.

### 6.3. Employment Agencies

It shall be an unlawful practice for an employment agency directly or indirectly to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual. An employment agency that specializes in the recruitment and placement of elderly or disabled employees shall be exempt from the operation of this Section with respect to such specialized services, provided that such service shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

### 6.4. Labor Organizations

It shall be an unlawful practice for a labor organization directly or indirectly to refuse to admit to membership, training, apprenticeship, or classification or to limit or terminate the privileges of membership, training, apprenticeship, or classification or to otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual.

### 6.5. Employment Advertising

It shall be an unlawful practice for an employer, employment agency, or labor organization directly or indirectly to advertise or otherwise publicize that any individual is unwelcome or not employable because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification or one the exceptions set forth in Sections 6.2, 6.3, or 6.4.

### 6.6. Real Estate

It shall be an unlawful practice for any person directly or indirectly to refuse to engage in a real estate transaction with any person or to set discriminatory terms or conditions with respect to a real estate transaction with any person or to advertise or otherwise publicize that any person is unwelcome or may not enter into a real estate transaction because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation,

marital status, family status, military status, or source of income of such person or of a person residing with such person.

This Section does not create an affirmative duty to remove barriers for the disabled in excess of the requirements of existing laws and ordinances.

The following practices shall be exempt from the operation of this Section:

1. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessee as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessee in order to gain access to the room or rooms thus let or rented.
2. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessee as his or her residence.
3. The leasing, rental, or other provision with or without fee of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.

The following practices shall not be deemed unlawful:

1. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which programs are designed to assist the elderly, disabled, or economically disadvantaged individuals, provided that such programs shall not discriminate among the elderly, disabled, or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The establishment of housing set aside for or limited to the elderly or the disabled, provided that such establishment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

3. The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including but not limited to half-way houses, drug treatment centers, detoxification facilities, shelters for the homeless, and the like.

#### 6.7. Credit

It shall be an unlawful practice for any bank, financial institution, or any other credit-granting or -approving institution or person, including a retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval, or extension of any form of loan or credit to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person. It shall not be an unlawful practice under this Section to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness as amount and source of income, age, employment history, credit references, and the number and age of dependents.

#### 6.8. Insurance

It shall be an unlawful practice for any insurance company, insurance agent, or person engaged in the service of providing insurance to refuse to insure any person or discriminate in the terms of insuring any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person, unless based on a bona fide actuarially determined insurance factor, such as the age or health of the person, that affects the risk for which insurance is being sought.

## 6.9. Bonding

It shall be an unlawful practice for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

## 6.10. Education

It shall be an unlawful practice for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, programs, opportunities, or curriculum offered by it to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The establishment by an educational facility of minimum or maximum age requirements for any educational program, provided that such establishment shall not discriminate among the potential students on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion, provided that such selection shall not discriminate among the members of such religion on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
3. The maintenance or establishment by an educational facility of a school or program limited to members of only one sex or otherwise segregated by sex, provided that such facility shall not discriminate among the members of such sex on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. Educational programs or policies designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided

that such programs or policies shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

5. The establishment by an education facility of special programs designed to assist or provide special training for the disabled, the elderly, individuals not fluent in English, or the economically disadvantaged. provided that such selection shall not discriminate among the disabled, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

#### 6.11. Public Accommodations

It shall be an unlawful practice for any person directly or indirectly to withhold, deny, curtail, or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The designation of a public accommodation for the exclusive or preferential use of the elderly or the disabled.
2. The designation of a rest room or of a privately-owned athletic or exercise facility for the exclusive or preferential use of members of a single sex.
3. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, national origin or ancestry, sexual orientation, marital status, family status, or military status, provided such preference is not advertised as or implied to

be a requirement for entry or use of such public accommodation.

#### **6.12. Harassment**

It shall be an unlawful practice for any person to attempt to harass, intimidate, threaten, assault, or otherwise discriminate against any person in or upon any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

#### **6.13. Subterfuge**

It shall be an unlawful practice for any person to commit any act forbidden by this Ordinance for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of any person.

#### **6.14. Aiding or Coercing**

It shall be an unlawful practice for any person to aid, abet, incite, compel, coerce, or conspire to the commission of any of the acts forbidden by this Ordinance or to attempt to do so.

#### **6.15. Retaliation**

It shall be an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this Ordinance or because such person has filed a complaint, testified, or assisted in any proceeding under this Ordinance.

### **Section 25-7. Construction and Definitions**

#### **7.1. Construction of Ordinance**

The provisions of this Ordinance shall be construed liberally for the accomplishment of the purposes hereof, and any ordinances or portions thereof inconsistent with any provisions hereof shall not apply.

This Ordinance shall be deemed an exercise of the police power of the City of Cambridge for the protection of the

public safety, health, prosperity, and welfare.

## 7.2. Severability

Should any Section, provision, paragraph, sentence, or word of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the portion so declared to be invalid.

## 7.3. Definitions

As used in this Ordinance,

1. The term "age" shall mean the actual or supposed chronological age of an individual eighteen (18) years or older.
2. The term "~~bona fide~~ occupational qualification" shall mean a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, 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 (hereinafter referred to as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. The term "disability" shall mean any actual or supposed physical or mental handicap of an individual, other than the state of being presently legally incompetent.
4. The term "discrimination" shall mean 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, marital status, family status, military status, or source of income.
5. The term "educational facility" shall mean any person, whether organized for profit or not-for-profit, that hold itself out to the public as providing instruction in the arts, sciences, trades, or any other area of learning.
6. The term "family status" shall mean the actual or

supposed condition of having minor children living with the individual or not.

7. The term "real estate transaction" shall mean 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 public agency, including the design, construction, alteration, repair, sale, lease, sublease, mortgage, rental, or other provision, term, or offer of the same.
8. The term "labor organization" shall mean any association, regardless of its form of organization, of employees or persons involved in similar trades or industries for the purpose of collective bargaining, resolving grievances in the terms and conditions of employment, or any other mutual aid or protection.
9. The term "marital status" shall mean the actual or supposed state of being or having been married, separated, or divorced, or not.
10. The term "military status" shall mean the actual or supposed condition of being or having been in the service of the military, or not.
11. The term "public accommodation" shall mean any place or site, business or other establishment, or medium of communication, whether owned privately or by a public agency, that is intended for the patronage or use or convenience, whether for a charge or fee or not, of the general public, including but not limited to, inns, hotels, motels, roadhouses, trailer parks, campsites, any place where food or beverage is sold, retail stores, shopping malls, dispensaries, clinics, hospitals, rest homes, nursing homes, hospices, physicians' offices or other medical facilities, rest rooms, bathhouses, parks, public grounds, gardens, theaters, lecture halls, newspapers and magazines and other publications, barber shops, beauty parlors, motion picture houses, music halls, bowling alleys, amusement parks and arcades, skating rinks, ballparks, billiard and pool parlors, recreation parks, fairs, golf courses, gymnasiums, health clubs, shooting galleries, art galleries, libraries, laundries, garages, all public conveyances whether owned privately or by a public agency, transportation terminals and stations, public portions of buildings

accommodating the public, clubs, societies, and social associations that are public or quasi-public, banks, finance companies, insurance companies, streets, and parking lots.

Nothing contained herein shall be construed to include or apply to any place or accommodation that is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this Section 7.3; 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 Ordinance if its membership requirements: i) consist only of the payment of fees or dues; ii) consist of requirements under which a substantial portion of the residents of or visitors to this city could qualify; or iii) consist primarily of a discrimination or exclusion based upon race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income.

12. The term "religious creed" shall mean the actual or supposed faith, belief, or moral philosophy of an individual or the lack thereof.
13. The term "sexual orientation" shall mean actual or supposed heterosexuality, homosexuality, or bisexuality.
14. The term "source of income" shall mean the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents, excluding the use of criminal activities as a means of support.



# City of Cambridge

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In the Year One Thousand, Nine Hundred-Eighty Four

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge.

*Be it ordained by the City Council of the City of Cambridge as follows:*

That the Code of the City of Cambridge is hereby amended by adding at the end thereof a new Chapter 25 entitled "Cambridge Human Rights Commission", which reads as follows:

### CHAPTER 25

### CAMBRIDGE HUMAN RIGHTS COMMISSION

## **Section 25-1. Public Policy**

Any practice that by design or effect discriminates against individuals because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is of public concern, as such discrimination creates strife, hostility and unrest, threatens or impairs the rights and privileges of individuals and deprives individuals of the benefits of a free and open society. Discrimination that deprives individuals of equal opportunities is unjust and results in serious injury to the public safety, health, and welfare in this City.

Accordingly, it is the policy of the City of Cambridge to safeguard the equal opportunities of all individuals in the City in accordance with their abilities, regardless of their race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income and to prevent discrimination against such individuals in the provision of city services and in employment, housing and real estate, education, credit, bonding, insurance, and public accommodations.

Further, it is the policy of the City to encourage harmony and mutual respect among its inhabitants and visitors and to reduce tensions and strife caused by discrimination.

## **Section 25-2. Cambridge Human Rights Commission**

### **2.1. Establishment**

There is hereby established a Cambridge Human Rights Commission, hereinafter called "the Commission."

The Commission shall be considered a Department of the City, with all the rights and responsibilities thereof. The Executive Director of the Commission shall be considered the Department head.

### **2.2. Membership**

The Commission shall consist of eleven (11) members appointed by the City Manager, for terms of three (3) years, provided, however, that of the members first appointed to the Commission, four (4) shall be appointed for a term of one (1) year; four (4) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. Thereafter, the City Manager shall appoint each successor to a term of three (3) years. Any vacancy

occurring otherwise than by expiration of term shall be filled by appointment by the City Manager for the unexpired term.

In keeping with the policy of the Cambridge City Council, the members of the Commission shall be representative of the population of the City of Cambridge. The Commission shall contain members of groups traditionally targets of discriminatory behavior.

All members of the Commission shall be residents of the City of Cambridge at the time of their appointment and throughout their tenure.

### 2.3. Organization

The Commission shall select a Chairperson and other such officers as it deems necessary at its first meeting and, subsequently, at the first meeting of each calendar year.

Six (6) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by majority vote of the Commission members present and voting.

The Commission shall adopt rules and regulations consistent with this Ordinance and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Ordinance and the powers and duties of the Commission in connection therewith. Said rules shall insure the due process rights of all persons involved in investigations and hearings.

All records of the Commission shall be public except as provided by state law.

Members of the Commission shall serve without compensation but reasonable per diem and necessary expense reimbursement shall be paid out of the budget of the Commission.

### 2.4. Staffing

The Commission shall, with the advice and consent of the City Manager, employ an Executive Director who shall be the executive officer of the Commission and shall be responsible for carrying out the policies and decisions of the Commission. The Commission may employ an Administrative Assistant or such other personnel as it may from time to time deem necessary.

The Commission shall, when appropriate, request the assistance of the staff and Commissions of the City engaged

in related work, such as the Commission on the Status of Women, the Civic Unity Committee, the Commission on the Handicapped, the Fair Housing Office, the Affirmative Action officer, the Consumers' Council, the Council on Aging, and the Veterans' Service Department, and shall at all times work cooperatively with these groups.

The Commission shall receive aid, advice, and opinions from the City Solicitor and the legal department, and be represented in court by the City Solicitor.

## **2.5. Facilities**

The Commission shall be assigned office space in City Hall, the City Hall Annex, or other readily accessible location.

## **2.6. Functions, Powers, and Duties**

The function of the Commission shall be to implement the policy of this Ordinance 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.

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 Ordinance.
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 complaint and, if deemed expedient, to hold hearings, summons witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any relevant evidence. The power to summons witnesses as herein defined shall be limited to

those powers and procedures set forth in Chapter 233, Section 8 of the Massachusetts General Laws. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel present during any such hearing.

4. With respect to complaints not resolved by mediation, to file a complaint or report of its findings and recommendations with any court or government agency having jurisdiction over the matter in question; to seek or apply remedies as enumerated in Section 2.7.4; and in all cases urging and using its best efforts to bring about compliance with its recommendations.
5. To provide such workshops and public presentations, and to issue such publications and such results of investigations and research as, in its judgement, will promote good will and minimize or eliminate discrimination.
6. To study the problems of prejudice, intolerance, bigotry, and discrimination in the City of Cambridge and make such recommendations to the City Manager and City Council as, in its judgement, will effectuate the policy of this Ordinance and annually to make a written report to the City Manager and City Council of its activities.
7. To receive from the City Manager, department heads, and Superintendent of Schools, such information and assistance as, in the Commission's judgement, will effectuate the policy of this Ordinance.
8. To enlist the cooperation of community organizations, city or other government agencies and departments, and other groups in the effectuation of the policy of this Ordinance.
9. To seek or accept grants, gifts, or bequests to help finance its activities.

## **2.7. Complaint Procedures**

### **2.7.1. Filing of Complaint**

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 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 Ordinance.

No complaint shall be considered unless it is filed within one hundred eighty (180) days after the occurrence of the alleged unlawful practice.

The filing of a complaint, the failure to file a complaint, or the dismissal of complaint by the Commission shall not bar the complainant from seeking relief by means of a civil action filed in the Cambridge District Court or the district court for the judicial district in which the respondent resides. 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.

### **2.7.2. Investigation of Complaint**

After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

If such Commissioner(s) determine after such investigation that no probable cause exists for crediting the allegations of the complaint, they shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten days from such determination, notify the complainant in writing of such determination.

If such Commissioner(s) determine after such investigation that probable cause does exist for crediting 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 conference, conciliation, and persuasion to eliminate the unlawful practice. The Commission and its staff shall not disclose what has occurred in the course of such endeavors except to disclose the terms of conciliation when the complaint has been disposed of in this manner.

### 2.7.3. Hearings

In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety (90) days have passed from commencement of mediation, 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 himself or herself or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.

### 2.7.4. Remedies

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

If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this Ordinance, the Commission shall state its findings of fact and shall forthwith seek relief through one or more of the following actions:

1. File a criminal complaint against the respondent in the Cambridge District Court or the district court for the judicial district in which the respondent resides, seeking fines of up to Three Hundred Dollars (\$300) for each such violation;
2. Levy a fine on its own motion of up to Three Hundred Dollars (\$300) for each such violation;
3. File a complaint against the respondent in Superior Court seeking injunctive relief, including a temporary restraining order; or
4. File a complaint against the respondent in a court of appropriate jurisdiction seeking the award to

the complainant of damages, expenses, punitive damages, and other relief, as appropriate.

The Commission may be represented in court by the City Solicitor or by its own attorneys.

### **Section 25-3. City Services**

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to discriminate against any person in the provision of services, facilities, employment, housing or real estate transactions, education, or other opportunities because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to commit any act prohibited in this Ordinance which would be unlawful if committed by a private person.

It shall be a crime punishable by a fine of not more than Three Hundred Dollars (\$300) per violation to willfully violate this Section.

### **Section 25-4. City Contracts**

Any contract entered into by the City or the Cambridge Schools, or any of their agencies, departments, or subdivisions shall contain a covenant by the contractor and his or her subcontractors not to violate this Ordinance. Breach of this covenant shall be regarded as a material breach of the contract.

This Section shall not impair the obligation of any presently existing contract.

### **Section 25-5. Notices**

The City of Cambridge, every City contractor and subcontractor, every employer with one hundred (100) or more employees, every owner of an apartment building or housing complex of fifteen (15) or more units, every employment agency, every realtor and real estate agency, and every apartment or roommate service shall prominently post and keep

posted the following notice at its place of business or in such apartment building or housing complex:

"Discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is unlawful in the City of Cambridge. Chapter 25, Cambridge City Code.

Cambridge Human Rights Commission  
----- Cambridge, MA  
----- "

The blanks in the model above shall be properly filled with the address and telephone number of the offices of the Commission.

It shall be a crime punishable by a fine of not more than Fifty Dollars (\$50) per violation to willfully violate this Section.

## Section 25-6. Unlawful Practices

### 6.1. Criminal Acts

It shall be a crime punishable by a fine of not more than Three Hundred Dollars (\$300) per violation to commit any unlawful practice under this Section 6.

### 6.2. Employment

It shall be an unlawful practice for an employer directly or indirectly to refuse to hire or employ or to bar or to discharge from employment, training, or apprenticeship or to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment, training, or apprenticeship, because of the race, color, sex, age, religious creed, physical handicap, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification. An employer who asserts that a discriminatory practice is justified because of a bona fide occupational qualification that has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws, shall have the burden of showing 1) that the discrimination is in fact a

necessary result of a bona fide occupational qualification, and 11) that there exists no less discriminatory means of satisfying the occupational qualification.

The following practices shall be exempt from the operation of this Section:

1. Employment practices of an employer of fewer than six (6) persons.
2. Employment of an individual by his or her parent, child, or spouse.
3. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose.
4. Employment of an individual for work within the nome of the employer.
5. Employment of an individual for the rendering of services to the person of the employer or his or her family.

The following practices shall not be deemed unlawful:

1. Employment programs designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided that such employment programs shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. Employment limited to the elderly or disabled, provided that such employment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in section 7.3 (4) hereof.
3. Observance by an employer of the conditions of a bona fide employee benefits system or plan (including, but not limited to, a contractual seniority system), provided that no such system or plan shall provide an excuse for failure to hire any individual.

### 6.3. Employment Agencies

It shall be an unlawful practice for an employment agency directly or indirectly to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual. An employment agency that specializes in the recruitment and placement of elderly or disabled employees shall be exempt from the operation of this Section with respect to such specialized services, provided that such service shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

### 6.4. Labor Organizations

It shall be an unlawful practice for a labor organization directly or indirectly to refuse to admit to membership, training, apprenticeship, or classification or to limit or terminate the privileges of membership, training, apprenticeship, or classification or to otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual.

### 6.5. Employment Advertising

It shall be an unlawful practice for an employer, employment agency, or labor organization directly or indirectly to advertise or otherwise publicize that any individual is unwelcome or not employable because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification or one the exceptions set forth in Sections 6.2, 6.3, or 6.4.

### 6.6. Real Estate

It shall be an unlawful practice for any person directly or indirectly to refuse to engage in a real estate transaction with any person or to set discriminatory terms or conditions with respect to a real estate transaction with any person or to advertise or otherwise publicize that any person is unwelcome or may not enter into a real estate transaction because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation,

marital status, family status, military status, or source of income of such person or of a person residing with such person.

This Section does not create an affirmative duty to remove barriers for the disabled in excess of the requirements of existing laws and ordinances.

The following practices shall be exempt from the operation of this Section:

1. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessee as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessee in order to gain access to the room or rooms thus let or rented.
2. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessee as his or her residence.
3. The leasing, rental, or other provision with or without fee of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.

The following practices shall not be deemed unlawful:

1. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which programs are designed to assist the elderly, disabled, or economically disadvantaged individuals, provided that such programs shall not discriminate among the elderly, disabled, or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The establishment of housing set aside for or limited to the elderly or the disabled, provided that such establishment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

3. The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including but not limited to half-way houses, drug treatment centers, detoxification facilities, shelters for the homeless, and the like.

#### 6.7. Credit

It shall be an unlawful practice for any bank, financial institution, or any other credit-granting or -approving institution or person, including a retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval, or extension of any form of loan or credit to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person. It shall not be an unlawful practice under this Section to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness as amount and source of income, age, employment history, credit references, and the number and age of dependents.

#### 6.8. Insurance

It shall be an unlawful practice for any insurance company, insurance agent, or person engaged in the service of providing insurance to refuse to insure any person or discriminate in the terms of insuring any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person, unless based on a bona fide actuarially determined insurance factor, such as the age or health of the person, that affects the risk for which insurance is being sought.

## 6.9. Bonding

It shall be an unlawful practice for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

## 6.10. Education

It shall be an unlawful practice for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, programs, opportunities, or curriculum offered by it to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The establishment by an educational facility of minimum or maximum age requirements for any educational program, provided that such establishment shall not discriminate among the potential students on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion, provided that such selection shall not discriminate among the members of such religion on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
3. The maintenance or establishment by an education facility of a school or program limited to members of only one sex or otherwise segregated by sex, provided that such facility shall not discriminate among the members of such sex on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. Educational programs or policies designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided

that such programs or policies shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

5. The establishment by an education facility of special programs designed to assist or provide special training for the disabled, the elderly, individuals not fluent in English, or the economically disadvantaged. provided that such selection shall not discriminate among the disabled, elderly, individuals not fluent in english, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

#### 6.11. Public Accommodations

It shall be an unlawful practice for any person directly or indirectly to withhold, deny, curtail, or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The designation of a public accommodation for the exclusive or preferential use of the elderly or the disabled.
2. The designation of a rest room or of a privately-owned athletic or exercise facility for the exclusive or preferential use of members of a single sex.
3. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, national origin or ancestry, sexual orientation, marital status, family status, or military status, provided such preference is not advertised as or implied to

be a requirement for entry or use of such public accommodation.

#### **6.12. Harassment**

It shall be an unlawful practice for any person to attempt to harass, intimidate, threaten, assault, or otherwise discriminate against any person in or upon any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

#### **6.13. Subterfuge**

It shall be an unlawful practice for any person to commit any act forbidden by this Ordinance for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of any person.

#### **6.14. Aiding or Coercing**

It shall be an unlawful practice for any person to aid, abet, incite, compel, coerce, or conspire to the commission of any of the acts forbidden by this Ordinance or to attempt to do so.

#### **6.15. Retaliation**

It shall be an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this Ordinance or because such person has filed a complaint, testified, or assisted in any proceeding under this Ordinance.

### **Section 25-7. Construction and Definitions**

#### **7.1. Construction of Ordinance**

The provisions of this Ordinance shall be construed liberally for the accomplishment of the purposes hereof, and any ordinances or portions thereof inconsistent with any provisions hereof shall not apply.

This Ordinance shall be deemed an exercise of the police power of the City of Cambridge for the protection of the

public safety, health, prosperity, and welfare.

## 7.2. Severability

Should any Section, provision, paragraph, sentence, or word of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the portion so declared to be invalid.

## 7.3. Definitions

As used in this Ordinance,

1. The term "age" shall mean the actual or supposed chronological age of an individual eighteen (18) years or older.
2. The term "bona fide occupational qualification" shall mean a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, 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 (hereinafter referred to as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. The term "disability" shall mean any actual or supposed physical or mental handicap of an individual, other than the state of being presently legally incompetent.
4. The term "discrimination" shall mean 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, marital status, family status, military status, or source of income.
5. The term "educational facility" shall mean any person, whether organized for profit or not-for-profit, that hold itself out to the public as providing instruction in the arts, sciences, trades, or any other area of learning.
6. The term "family status" shall mean the actual or

supposed condition of having minor children living with the individual or not.

7. The term "real estate transaction" shall mean 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 public agency, including the design, construction, alteration, repair, sale, lease, sublease, mortgage, rental, or other provision, term, or offer of the same.
8. The term "labor organization" shall mean any association, regardless of its form of organization, of employees or persons involved in similar trades or industries for the purpose of collective bargaining, resolving grievances in the terms and conditions of employment, or any other mutual aid or protection.
9. The term "marital status" shall mean the actual or supposed state of being or having been married, separated, or divorced, or not.
10. The term "military status" shall mean the actual or supposed condition of being or having been in the service of the military, or not.
11. The term "public accommodation" shall mean any place or site, business or other establishment, or medium of communication, whether owned privately or by a public agency, that is intended for the patronage or use or convenience, whether for a charge or fee or not, of the general public, including but not limited to, inns, hotels, motels, roadhouses, trailer parks, campsites, any place where food or beverage is sold, retail stores, shopping malls, dispensaries, clinics, hospitals, rest homes, nursing homes, hospices, physicians' offices or other medical facilities, rest rooms, bathhouses, parks, public grounds, gardens, theaters, lecture halls, newspapers and magazines and other publications, barber shops, beauty parlors, motion picture houses, music halls, bowling alleys, amusement parks and arcades, skating rinks, ballparks, billiard and pool parlors, recreation parks, fairs, golf courses, gymnasiums, health clubs, shooting galleries, art galleries, libraries, laundries, garages, all public conveyances whether owned privately or by a public agency, transportation terminals and stations, public portions of buildings

accommodating the public, clubs, societies, and social associations that are public or quasi-public, banks, finance companies, insurance companies, streets, and parking lots.

Nothing contained herein 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 Section 7.3; 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 Ordinance if its membership requirements: i) consist only of the payment of fees or dues; ii) consist of requirements under which a substantial portion of the residents of or visitors to this city could qualify; or iii) consist primarily of a discrimination or exclusion based upon race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income.

12. The term "religious creed" shall mean the actual or supposed faith, belief, or moral philosophy of an individual or the lack thereof.
13. The term "sexual orientation" shall mean actual or supposed heterosexuality, homosexuality, or bisexuality.
14. The term "source of income" shall mean the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents, excluding the use of criminal activities as a means of support.



# City of Cambridge

11.

COUNCILLOR WOLF

**IN CITY COUNCIL**  
June 4, 1984

ORDERED: That the Ordinance establishing a Cambridge Human Rights Commission to protect Human Rights within the City of Cambridge and defining and prohibiting discrimination be referred to the Ordinance Committee; and be it further

ORDERED: That the City Solicitor be hereby requested to submit recommendations for any modifications that he deems appropriate prior to any scheduled hearing of the Ordinance Committee.

REFERRED TO THE COMMITTEE ON ORDINANCES

Order # 11

C. Wolf order re: transmitting a proposed Ordinance to amend the General Ordinances by adding at the end thereof a new Chapter 25 entitled "Cambridge Human Rights Commission" to be referred to the Committee on Ordinances and the City Solicitor for his recommendations/modifications.

*copy sent to Councillor David Sullivan,  
Chairman, Committee on Ordinances in  
his Friday Council package of June 8, 1984  
copy sent to City Solicitor 6/6/84 ml*

In City Council,

June 4, 1984

*6/4/84*  
*OW*  
*Prepared*  
*to*  
*Ordinance*  
*Committee*

# City of Cambridge

Original  
Report

In City Council June 25, 1984

The Ordinance

Committee

comprised of the entire membership of the City Council

to which

was referred two proposed amendments to the General Ordinances of the City of Cambridge providing for the establishment of a Human Rights Commission submitted by Councillor Vellucci and by Councillor Wolf.

Councillor David Sullivan, Chairman, presided and called the hearing to order at five o'clock and fifty-eight minutes p. m. and requested the proponents to appear and be heard.

In response to the call of the Chair, the Committee heard from the following persons who recorded themselves in favor.

1. Margot Kosberg, Commissioner, of the Massachusetts Commission Against Discrimination, resident of Cambridge, who read from a prepared statement which is attached to this report and designated Appendix A.
2. Denise Simmons, representing the Cambridge Civic Unity Committee, read a prepared statement outlining the organization and purpose of that Committee, which statement is attached to the record and designated as Appendix B.
3. Robert Alexander, Chairman of the Committee on Handicapped Persons.
4. Deborah Meyer read a prepared statement on behalf of Mark Govoni of the United Food and Commercial Workers, Local 1445 and submitted the statement for the record which is attached thereto and designated Appendix C.
5. Frederick Levy, President of the Cambridge Civic Association, read a prepared statement which is appended to the record and designated as Appendix D.
6. Monica Styrom, Pastor of the Old Cambridge Baptist Church.
7. Kevin Catherat, 285 Harvard Street, Cambridge.
8. Nancy Ryan, 4 Ashburton Place, Boston, Cambridge Committee on the Status of Women.
9. Robert E. Richards, 78 Antrim Street, Cambridge.

10. Jonathan <sup>d</sup>Hanbel, 367 Harvard Street.
11. Janet Ferone, President, of the Boston Now Chapter of 99 Bishop Allen Drive, Cambridge.
12. Carol Johnson of 11 Carlisle Street, Cambridge.
13. Mary Ann Kowalaski of 7 Pleasant Place, Cambridge.
14. Brenda Walcott of 12 Prince Street, Cambridge.
15. Thomas Barbera, 8 Howard Street, Cambridge.
16. Reverend Robert P. Wheatley, 25 Beacon Street, Associate Director for Social Responsibility for the Unitarian Universalist Association of Churches and Director of the Office of Lesbian and Gay Concerns.
17. John F. Kerry, Lieutenant Governor of Massachusetts by communication dated June 18, 1984 recorded himself in favor of a human rights commission and stressed the need for legislation protecting the rights of gay men and lesbians. His letter is attached to the record and designated Appendix E.
18. John W. Roberts by letter dated June 19, 1984 indicated the support of the Civic Liberties Union of Massachusetts. His communication is attached to the record and designated as Appendix F.
19. Janis Pryor, 6 Sherman Street, Cambridge, read a prepared statement in support of the proposed legislation which is appended to the record and designated Appendix G.
20. The committee was in receipt of a letter dated June 14, 1984 from Alan R. Butler of Cambridge Consumer Advisory Commission assuring the committee of their cooperation and interest in the proposed Human Rights Ordinance which letter is appended to the record and designated as Appendix H.
21. Lynn Scott read a prepared statement which is attached to the record and designated Appendix I.
22. Elizabeth Brown, Co-Chairman of the Cambridge Lesbian and Gay Alliance, recorded herself in favor and thanked Councillors Wolf and Vellucci for introducing their ordinances. Her statement is appended to the record and designated Appendix J.

23. Resolution submitted by Mayor Arthur J. Holland, Trenton, Mayor Thomas H. Cooke, Jr., East Orange and Mayor Marion S. Barry, Jr., Washington, D. C. is appended to the record and designated Appendix K.
24. Communication from Bob Wheatly from the Unitarian Universalist Association is appended to the record and designated Appendix L.

The proposal submitted by Councillor Vellucci proposes a nine member commission appointed by the City Manager for terms as follows:

- three members for term of three years
- three members for term of two years
- three members for term of one year.

The City Manager shall solicit nominations from as many public service groups and other sources which he deems appropriate, including but not limited to:

- a member of the City Council
- a member of the School Committee
- the Cambridge Affirmative Action Officer
- a member of the Cambridge Housing Authority
- Assistant City Manager in charge of Human Services
- a member of the clergy
- and three citizens with at least four years of permanent residence in Cambridge.

The Commission shall elect a chairperson from among its members and shall be elected at the first meeting in January each year. The Commission shall work with the City Manager and/or his assistants on matters pertaining to human rights of Cambridge citizens and shall discuss human rights problem area with the City Manager and make recommendations to protect the human rights of all Cambridge citizens and employees.

The City Manager shall retain full authority for action as he now possesses under the General Ordinances of the City of Cambridge and the General Laws of the Commonwealth. The City Manager shall appoint a part-time secretary for the Commission of Human Rights who shall prepare meeting notices and agendas, coordinate information needs of the commission, record minutes of commission meetings, distribute material to commission members and perform whatever additional duties are assigned by the Commission and shall also keep the commission informed of all complaints or calls which come into the office from the public. The City Manager shall provide office space in City Hall for the commission.

The Commission shall report to the City Council in writing as to the progress that is being made under this ordinance with suggestions and recommendations to further the aims of the ordinance. The Commission through request of the City Manager may obtain assistance from the Law Department, from the City Solicitor or/or his staff. The Commission shall attempt through mediation to resolve any complaint received and to recommend to the City Manager action to resolve the complaints and shall cooperate with federal, state, and city agencies.

The proposal submitted by Councillor Wolf proposes an eleven member commission appointed by the City Manager to be appointed to terms as follows:

four members for a term of one year  
four members for a term of two years and  
three members for a term of three years

The commission shall elect a Chairperson and other such officers as it deems necessary at its first meeting and subsequently at the first meeting of each calendar year with a quorum of six members being constituted and shall adopt rules and regulations consistent with the ordinance. The records of the commission shall be made open to the public except as provided by state law and the membership shall receive no compensation. The commission will employ an executive director and may also employ an administrative assistant or such other personnel as it may deem necessary and shall receive the assistance from other city agencies and shall be assigned space at City Hall, the City Annex or other accessible location.

The Commission shall investigate complaints of discrimination, mediating complaints, hold hearing and present findings to the City Manager.

In Councillor Wolf proposal there are provisions for unlawful practices as follows:

Criminal Acts  
Employment  
Employment Agencies  
Labor Organizations  
Employment Advertising  
Real Estate  
Credit  
Insurance  
Bonding  
Education  
Public Accommodations  
Harassment  
Subterfuge  
Aiding or Coercing  
Retaliation.

The Ordinance shall be deemed an exercise of the police power of the City of Cambridge for the protection of the citizens.

A copy of both Councillor Vellucci and Councillor Wolf's proposed ordinance amendments are appended to this report.

The Chair now requested the opponents to appear and be heard.

At the call of the Chair, no one appeared in opposition.

On motion of Councillor <sup>Vellucci</sup> ~~David Sullivan~~ the two proposals were referred to the City Council at its meeting of June 25, 1984, without recommendation.

On motion of <sup>Councillor Wolf</sup> ~~the Chair~~ the hearing adjourned at eight o'clock and three minutes p. m.

For the Committee,

David E. Sullivan

Councillor David Sullivan,  
Chairman.

Appendix E

TESTIMONY BY:

MASSACHUSETTS COMMISSION  
AGAINST DISCRIMINATION  
BEFORE THE CITY OF CAMBRIDGE  
ON PROPOSED HUMAN RIGHTS  
ORDINANCE  
JUNE 19, 1984

#2  
633  
6/19/84

-----  
MEMBERS OF THE CITY COUNCIL:

GOOD EVENING.

MY NAME IS MARGOT KOSBERG.

I AM A COMMISSIONER OF THE MASSACHUSETTS COMMISSION AGAINST  
DISCRIMINATION AND I HAVE RESIDED IN THE CITY OF CAMBRIDGE  
FOR FIFTEEN YEARS.

I AM HERE TO RECORD MY PERSONAL SUPPORT AND THE SUPPORT OF  
THE MCAD FOR THE ADOPTION BY THIS COUNCIL OF THE CAMBRIDGE  
HUMAN RIGHTS ORDINANCE.

IT IS QUITE CLEAR THAT DESPITE ENFORCEMENT EFFORTS ON BOTH

*Received 6/30/84 - 6/19/84 by Jo. R. [unclear]*

THE STATE AND FEDERAL LEVELS, INVIDIOUS DISCRIMINATION REMAINS ONE OF THE MOST SERIOUS SOCIAL PROBLEMS IN THIS COUNTRY, IN THIS COMMONWEALTH, AND IN THIS CITY. THE ENACTMENT OF THIS ORDINANCE WILL MAKE A SIGNIFICANT CONTRIBUTION TO RESOLVING THIS PROBLEM IN THE FOLLOWING WAYS.

AS YOU MAY BE AWARE, A RECENT INVESTIGATION CONDUCTED BY THE MCAD INDICATES THAT A BLACK HOMESEAKER IN CAMBRIDGE HAS A SEVENTY-FIVE PERCENT CHANCE OF ENCOUNTERING DISCRIMINATION.

THE COMMISSION'S FINDINGS STRONGLY SUGGEST THAT FURTHER EFFORTS ARE NEEDED TO COMBAT THIS SERIOUS PROBLEM.

THE CITY'S ADOPTION OF THIS HUMAN RIGHTS ORDINANCE WILL SERVE AS A SIGNAL TO LANDLORDS IN CAMBRIDGE THAT THE CITY WILL NO LONGER TOLERATE SUCH CONDUCT.

ADOPTION OF THE ORDINANCE IS ALSO IMPORTANT BECAUSE IT WILL PROVIDE A GREATLY NEEDED AVENUE OF REDRESS TO MANY VICTIMS OF DISCRIMINATION WHO ARE NOT CURRENTLY PROTECTED BY EITHER STATE OR FEDERAL LAW.

SPECIFICALLY, IT WILL PROVIDE A FORUM TO MEN AND WOMEN WHO ARE THE VICTIMS OF DISCRIMINATION BECAUSE OF THEIR SEXUAL ORIENTATION.

THE MCAD HAS BEEN CONTACTED MANY TIMES BY PERSONS WHO HAVE BEEN DENIED A JOB OR A PROMOTION OR DISCHARGED BECAUSE THEY ARE GAY.

REGRETTABLY, THE COMMISSION HAS HAD NO CHOICE BUT TO TURN THESE PERSONS AWAY.

FOR THIS REASON, THE COMMISSION HAS SUPPORTED IN THE PAST AND WILL CONTINUE TO SUPPORT A COMPREHENSIVE STATE GAY RIGHTS BILL, PROHIBITING DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATION ON THE BASIS OF A PERSON'S SEXUAL ORIENTATION.

THE INCLUSION OF THIS PROTECTION IN THE CITY ORDINANCE,  
WE BELIEVE, CONSTITUTES AN IMPORTANT FIRST STEP TOWARD  
COMPREHENSIVE LEGISLATION IN THIS AREA.

FINALLY, I SUGGEST THAT ADOPTION OF THIS ORDINANCE IS  
IMPORTANT BECAUSE IT MAKES THE CITY OF CAMBRIDGE A FULL  
PARTNER WITH THE COMMONWEALTH AND THE UNITED STATES IN  
THE FIGHT AGAINST DISCRIMINATION.

WE WELCOME AND NEED YOUR CONTRIBUTION.

IF THE CITY ADOPTS THIS ORDINANCE, I PLEDGE TO YOU THE FULL  
SUPPORT OF THE MCAD IN MAKING THE CAMBRIDGE HUMAN RIGHTS  
COMMISSION AN EFFECTIVE AGENCY OF WHICH WE MAY ALL BE  
PROUD.

FOR THESE REASONS, I URGE YOU TO VOTE IN FAVOR OF THE  
CAMBRIDGE HUMAN RIGHTS ORDINANCE.

*Appendix B*PURPOSE

The Civic Unity Committee was established in 1945 by the City Manager to promote harmonious relationships among persons of the diverse ethnic, racial and religious backgrounds who make up the population of Cambridge. Its purpose is to be the official unit of the City of Cambridge for analyzing and evaluating the problems of minority groups locally, and planning programs designed to bring about the maximum degree of understanding and cooperation among all the various groups which make up our community. It shall also act as a referral agency to which citizens can bring their problems involving conflict with others. It shall handle difficulties of individual citizens involving minority rights and help adjust situations of discrimination and prejudice in those areas of group tension wherever they may occur.

STRUCTURE

Appointments to the Committee are made by the City Manager in such a way as to be broadly representative of the community. There is no limit to the number of persons who may be appointed. Initial appointments are for one year terms. Thereafter a member is eligible for reappointment to three year terms. Interest, effectiveness, and participation are the criteria for reappointments.

The Civic Unity Committee Members elect their officers consisting of a Chairman, Vice-Chairman, and Secretary for one year terms. There is no limit to the number of terms officers may serve but it is expected

*Recd 6/40/19 at 12:00 PM 6/10/19*

that opportunity for new leadership will be provided from time to time. The Chairman is responsible for stimulating and guiding the Committee and for presiding at its meetings. The Vice-Chairman acts for the Chairman in his absence and the Secretary records the proceedings of the Committee.

CUC BOARD OF DIRECTORS. The Officers of the Committee serve also as officers of the Board of Directors. Other members of the Board include the Chairman of the various sub-committees. Ex-Officio members may be added from time to time as the need arises.

While there is no specified limit to the number of persons who may serve on the Board of Directors, it is expected that the group will be large enough to reflect a range of views and experiences and yet small enough to operate effectively and expeditiously.

The Board is a working group responsible for developing program policies and content. It meets monthly except in July and August. Additional meetings may be called by the Chairman.

CUC COMMITTEES. The Board of Directors appoints a Nominating Committee which, in consultation with other Board Members, nominates officers and members of the Board from the membership of the Committee. Elections are held annually and out-going officers serve until new officers are elected. The Membership Committee makes recommendations for appointment of new members and reappointments to the Committee. The Board acts on the report of the Membership Committee and when it is accepted, submits it to the City Manager who uses it as a basis for his Committee appointments. Ad Hoc Committees are appointed to be responsible for special occasions. Examples are: The Clergy Seminar and Mayor's Luncheon; the New Member's Reception and Annual Meeting.

CUC SUB-COMMITTEES. There are six sub-committees of CUC composed of CUC members who are interested in the areas in which the committees are con-

cerned. Meetings of the Sub-Committees are arranged by the chairman of the various committees through the Executive Director.

The sub-committees and their purposes and duties are as follows:

Sub-Committee on Housing - created to work for both the elimination of all artificial barriers or controls which frustrate or deny housing or shelter to any individual in our city proper and the formation of a city-wide policy for the practice of open occupancy in both public and private housing.

Sub-Committee on Education - created to study existing educational practices employed within the city. While working with the city's Dept. of Education, they plan to formulate and encourage educational policies and practices calculated to increase the educational opportunities of every citizen in Cambridge.

Sub-Committee on Employment - created to study employment problems of minority group members; encourage equal opportunity in employment for all groups and work toward elimination of discriminatory barriers in the employment field.

Sub-Committee on Health & Welfare - created to work for equality and excellence in medical and health treatment for all Cambridge Community members and to see that no individual is deprived of the best medical or health treatment available.

Sub-Committee on Police-Community Relations - created both to foster better communication and understanding of community problems in the relationship of police and the total community and encourage a growth in teamwork between the police and citizens in every neighborhood community of our city to the end that the administration of law enforcement will be better understood as a total community responsibility.

Sub-Committee on Public Relations - created to investigate the current procedures employed by the various departments of the city to inform the community of their activities and develop a program to improve the flow of information from the city and its departments to the citizens of Cambridge.

DUTIES OF CUC MEMBERS - Those members of CUC who are not on the Board of Directors play the important role of constituting the committee's "basic public." Selected because of demonstrated concern for intergroup relations, CUC members receive notices of all public meetings and are expected to attend and encourage their friends to attend.

All members of CUC are asked to assist the committee by serving on one or more of the six sub-committees. The membership also serves as an essential reservoir for appointments to the Board of Directors as special interests emerge and there is opportunity for participation.

As persons retire from the Board of Directors, their membership on the Committee offers them a less demanding but important tie to the program.

EX-OFFICIO MEMBERS OF CUC. The City Councillors and members of the School Board are invited to be ex-officio members of CUC.

STAFF OF CUC. The professional staff of CUC consists of an Executive Director who is employed half-time (for details as to the duties of the position see Job Summary) and an Assistant to the Executive Director, also employed for the equivalent of half-time, who is in charge of coordinating CUC activities. There is also a full-time Clerk-typist who provides clerical assistance and provides all secretarial duties.

The City Manager is responsible for the appointment of all members of CUC and for the employment or termination of employment of the Executive Director who in turn is responsible for the supervision of any other staff

members in the department.

Traditionally, the Executive Director serves as liason between the City Manager who provides city financing and the CUC Board which develops programs and policies. The Executive Director consults with the Board of Directors about budgetary needs and presents them to the City Manager. By the same token, the Executive Director consults with the City Manager on any of the Board's programs, policies or problems which involve the city departments.

The CUC and the City Manager are in accord that CUC will act to correct any inequity, injustice or discrimination which may exist in Cambridge. If discrimination, inequity or injustice is alleged in the City Departments such as housing or police, CUC will act toward those agencies in the same manner as it would toward non-governmental groups except that the City Manager would be advised in advance.

MARK  
**GOVONI**  
STATE SENATE

717 PM

Contact: Deborah Meyer  
569-0539 or 497-1362

*Appendix E*

MARK GOVONI: TESTIMONY SUPPORTING CAMBRIDGE HUMAN RIGHTS  
ORDINANCE, JUNE 19, 1984

Good evening. My name is Mark Govoni and I come before you this evening as a candidate for the Suffolk and Middlesex State Senate seat and as a representative of the United Food and Commercial Workers, Local 1445. Of 12 and a half thousand union members, we have a large percentage of women and a sizeable amount of gay men and lesbians *and other minority people.*

Fortunately for them, they have the legal protection of our contracts, which protect them from discrimination on the basis of sexual preference.

But, in many other work situations there is no contractual protection, and discrimination does take place. While unions can protect people once they are hired and become members under contract, we cannot enforce contractual protections during the hiring process. Therefore, we need another method of doing this. These two proposed human rights ordinances would set up a commission to help extend the protections I believe are basic human rights.

This commission would make the statement that the city of Cambridge will not tolerate any form of discrimination or attacks against basic human rights. That is something we should all support, and we should all be proud of.

Thank you.

Appendix D

TESTIMONY BEFORE THE COMMITTEE ON ORDINANCES, JUNE 19, 1984

RECEIVED BY  
OFFICE OF CITY CLERK  
JUN 27 9 46 AM '84  
CAMBRIDGE, MASS.

My name is Frederick Levy and I am president of the Cambridge Civic Association. The City Council unambiguously supports strong protection of human rights in all aspects.

It is unfortunate that such ordinances are needed. Cambridge would be a much better city if people were not discriminated against because of their color, country of birth, economic status, sex, sexual orientation or for any other reason. It would be a better city if city services, housing, and employment were available equally to all.

Unfortunately, this is not the case. You do not need to be reminded again of the Massachusetts Commission Against Discrimination's finding that there is discrimination in housing in Cambridge; that people of color, for example, do not always get an equal chance to get housing here.

I also suspect that poor people, families on welfare, and people of color do not have adequate information about the availability of housing, especially rent-controlled housing. Many units, I suspect, are passed from one tenant to another by word of mouth, so that low and moderate income people do not even have a chance to find out about them.

Employment opportunities are equally limited. While some city departments have made admirable progress in hiring and promoting women and people of color, others are still bastions of white males.

In the ordinances before this committee there are three particular points which should be included in the final ordinance which you present to the City Council. First, it must cover a broad range of areas where people might be discriminated against and a broad number of so-called "reasons" for discriminating. In particular, it should prohibit discrimination on the basis of sexual orientation, family status, income source, and disability, in addition to the discriminations prohibited in traditional civil rights legislation. I can see no reason to condone discrimination or bias under any circumstances.

Second, it is important that these ordinances create a single agency where anyone can go who has a complaint about discrimination. Presently, there are too many different offices and agencies, city, state, and federal, and it can be difficult to know where to go, let alone whether there is anyplace to go.

Third, these proposals should give the agency the power to obtain testimony, set fines, and move the case to a higher authority if mediation should fail to reach a solution.

I urge this committee to recommend the strongest possible measures to protect the rights of our citizens.



JOHN F. KERRY  
LIEUTENANT GOVERNOR

*Appendix E*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133  
617 727-7200

June 18, 1984

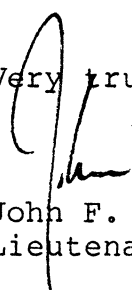
The Honorable David Sullivan  
Chairperson, Ordinance Committee  
Cambridge City Council  
City Hall  
Cambridge, Massachusetts

Dear Councilor Sullivan:

This is to advise you that I strongly support the ordinance establishing a broad based human rights commission for the City of Cambridge. Cambridge will be proud of this ordinance which addresses discrimination based on race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, and source of income.

I especially want to emphasize the need for legislation protecting the civil rights of gay men and lesbians. As a group they have been the recipients of considerable prejudice and the creation of a human rights commission in Cambridge, which includes sexual orientation as a category of protection, will be a very positive step in alleviating this prejudice.

Very truly yours,

  
John F. Kerry  
Lieutenant Governor

cc: The Honorable Leonard Russell  
The Honorable Daniel J. Clinton  
The Honorable Thomas W. Danehy  
The Honorable Francis H. Duehay  
The Honorable Sandra Graham  
The Honorable David Sullivan  
The Honorable Walter J. Sullivan  
The Honorable Alfred E. Vellucci  
The Honorable Alice Wolf

*Civil Liberties Union*  

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*of Massachusetts*

TO: Members of the Ordinance Committee, Cambridge  
City Council

FROM: John W. Roberts, Executive Director  
John Reinstein, Legal Director

DATE: June 19, 1984

RE: IN SUPPORT OF City of Cambridge Human Rights  
Ordinance

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The Civil Liberties Union of Massachusetts supports the Cambridge Human Rights Ordinance as part of our continuing opposition to discrimination in any form. Discrimination against people because of their sexual orientation, color, race, national origin, religion, marital status, family status, military status, sex, age, physical or mental handicap, or source of income is largely irrational based on fear, myth and misinformation. Discrimination results in enormous social costs and individual misery. It is a denial of this country's promise of life, liberty, and the pursuit of happiness and our commitment to the equal protection of the laws.

To remedy discrimination against homosexuals two of the most degrading and vicious myths about sexual preference must be confronted. One is the notion that gay men and lesbians will effect the sexual identity of children or adolescents with whom they work. This is nonsense. Most child psychiatrists and researchers assert that an adult's sexual identity has been resolved by school age and that how it is resolved is a complex individual matter. Common sense and our own experience ought to tell most of us that our teachers had nothing to do with our sexual identity.

AN AFFILIATE OF THE AMERICAN CIVIL LIBERTIES UNION

The other myth is the disgusting and hateful inference that being a homosexual means that you are automatically a child molester. This flies in the face of all statistical evidence. In fact heterosexual child molestation is a far more serious problem than is homosexual molestation. Child molestation is a serious problem to be sensitively treated regardless of the sexual preference of perpetrator or victim.

Discrimination penalizes all of us by denying society the best use of the talents of all its members. Handicapped or mentally disabled people suffer tremendous employment discrimination. Tony Pepper, well-known talk show host is quoted in Diabetes Forecast, September-October 1976.

"Discrimination is a fact of life for those with diabetes. Two job-seekers of equal ability, one with no reportable disease, the other with diabetes, mean chances are the diabetic will be weeded out. He or she is more difficult to insure regardless of the severity of the disease. In my profession - on two separate occasions - the decision whether to hire me was elevated to corporate headquarters when it was learned that I have diabetes. In each case I was hired but just because of the condition, normal hiring procedures could not be used. It's a curious facet of psychological response. If there is anything that sets a person apart or allows that person to be categorized or isolated, then all the elements that lead to discriminatory decisions are in place. The diabetic suffers along with blacks, women, etc. If you're a black diabetic name Chiquita, you may be in big trouble as far as job discrimination is concerned.

Tony Pepper is one of the lucky ones. Mary R. put herself in the hospital for depression; lost several weeks of work. It could have been a case of pneumonia or the flu that kept her away from work; but because it was mental illness she lost her job, despite the fact her final diagnosis was a brain lesion, controllable with drugs. Now with a long history of job discrimination she no longer tells the truth. "Nobody will hire or keep somebody with an institutional background", she says bitterly.

Cancer patients face the same Catch-22 situation. Modern medicine helps more and more patients to recovery or remission but employers discriminate against cancer patients who try to get their job back.

Like the young woman who faced job discrimination because of hospitalization for mental illness they often feel they have no choice but to lie when applying for work. All open themselves to the possibility of automatic dismissal for falsifying their applications. Men and women with a visible physical handicap, such as loss of a limb or confinement to a wheel chair, don't even have the uncertain luxury of a lie.

Handicapped people can and do want to work. When we refuse to employ them at a job they can do well, we force them onto the General Relief rolls, penalizing society, the taxpayer who pays the cost of General Relief, and the people who are totally disabled, unable to work and dependent upon a smaller pool of General Relief funds to survive.

Many other kinds of discrimination are covered by this ordinance and there are countless other examples for each category. We urge you to approve this ordinance so that it may, indeed, be the policy of the City of Cambridge to safeguard the equal opportunities of all persons in the City in accordance with their abilities.

The ordinance should provide adequate enforcement powers for the Commission, and the Commission should be adequately funded to provide swift, thorough investigation of allegations and just remedies for the victims. If the Commission does not have adequate powers to enforce the ordinance, or the Commission is inadequately funded or staffed, the ordinance ultimately becomes a cruel hoax played upon the very people the ordinance was designed to help, seemingly offering remedy, but unable to deliver it.

Cambridge is to be commended for the development of the Human Rights Ordinance and the Civil Liberties Union of Massachusetts stands ready to support its passage or enforcement.

TESTIMONY FOR THE CAMBRIDGE CITY COUNCIL -  
JUNE 19, 1984  
ESTABLISHING A HUMAN RIGHTS COMMISSION

Appendix E

I have lived in Massachusetts for 12 years. For 10 of those 12 years, I have been fortunate enough to work for who and what I believe in, either as a member of the media/press, or by working with elected officials on both sides of the aisle. As a result, I have also had the opportunity to visit several countries, including the People's Republic of China as a member of the first political delegation admitted after normalizing relations in 1979. All too often civil rights and human rights are non-existent, or at best considered threatening and therefore suppressed. Women and those whose skins are not white are considered subservient or sub-human; the physically disabled are hidden; the aged shunned; the single person rejected; those who hold religious beliefs are harrassed or imprisoned and those who are gay or lesbian become fair game for any kind of abuse, discrimination or physical intimidation. One learns, after having seen all this, to truly value the rights given to all Americans, regardless, by our Constitution, and abhor any attempt to compromise its spirit and intent here at home.

The proposal presented by City Councillor Alice Wolf, to establish an 11 member Human Rights Commission to enforce a city-wide policy to prohibit discrimination is simply an extension of our Constitutional rights.

While working for Senator Kennedy, I was asked to respond to a reporter who asked if supporting civil rights for gay and lesbian individuals wasn't "risky". "Risk," I responded, "was not the issue. But maintaining moral and ethical consistency that illustrates beyond a shadow of a doubt our committment to civil rights for all our citizens, including the gay and lesbian members of our community -- that's the issue." And as Editorial Director for WBZ-TV and WBZ-Radio ('80-'82), I used every opportunity to speak out on enforcing civil rights here in the Commonwealth for those who have been historically and traditionally discriminated against. Currently, as Coordinating Producer for an upcoming documentary on one of our Presidential Candidates, I have the opportunity to once again work with the issues I consider important. I'd like to take this opportunity to urge the City Council to follow through on the spirit of our Constitution and support City Councillor Wolf's proposal.

In 1984, I know all too well that sexism, racism, homophobia, ageism and general prejudice are still very real and very harmful to the health of our community. For among other things, I am also a woman whose skin is not white. I am someone who would be classified as a minority on several levels. I have encountered bigotry in many forms. Consequently, I am not naive when it comes to recognizing the limitations and flaws of human nature. Proposals, ordinances and laws cannot change attitudes. But what they can do is change behavior - and that's a good place to start.

The time has come to give everyone the tools with which to live their lives and have an equal chance for happiness and peace of mind. And while I would like to beleive that we have reached a point where we can rise above the ignorance and stupidity of bigotry, pragmatism tells me that the time has come to give our city agencies and law enforcement officials the teeth with which to dispose of all forms of prejudicial, damaging behavior. Passing laws that cannot be enforced or adequately monitored, delivering speeches and joining marches without any practical follow-up is harmful and degrading. I urge you to accept and pass City Councillor Wolf's proposal.

- 7/25/84 - Read at Meeting -

In the end, we will all benefit, regardless of who or what we are.  
Thank-you ----

A handwritten signature in black ink, appearing to read "Janis Pryor". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Janis Pryor  
Six Sherman Street  
Cambridge, MA 02138

*Appendix H*



CITY OF CAMBRIDGE  
MASSACHUSETTS

CAMBRIDGE CONSUMER ADVISORY COMMISSION  
CAMBRIDGE CONSUMERS' COUNCIL

**JAMES CARAGIANES**  
Chairman

June 14, 1984

**NANCY LAZARUS**  
Vice-Chairman

**ROBERT K. LAFFIN**  
Treasurer

**GEORGE E. BYARS**  
Secretary

**FAITH BARROW**  
Consumer Counsellor

**ALAN R. BUTLER**  
Executive Director

Councillor David E. Sullivan  
Ordinance Committee  
Cambridge City Council  
City Hall  
Cambridge, Mass. 02139

Dear David:

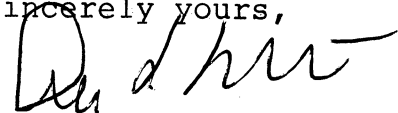
Thank you for your letter of June 8, 1984 and the copies of the proposed Human Rights Ordinances under consideration by your committee.

The Cambridge Consumer Advisory Commission has not had time to formally review and discuss the ordinances as of this date. However, I will take the liberty of assuring you of their interest and cooperation in safeguarding the rights and interests of all.

Speaking personally and from the perspective of an employed blind person, I wonder if it would be appropriate to include the requirement that employers must provide reasonable accomodation to physically handicapped persons. I believe that this provision is included in existing federal and state employment laws, therefore, it may be superfluous to include this in the proposed city ordinance.

One minor but frustrating problem I routinely experience is with vending machines that do not have braille identifying labels on the merchandise selector buttons. I drop in my money and take my chances on what I eat or drink. Humerous in the telling perhaps but not so funny in the stomach. Would it be possible to include a provision in the ordinance (or in City policy) that would require vendors to include braille labels on the selector controls of all vending machines located on city/public property.

Thank you for the opportunity to comment on this proposed legislation. I can assure you and the City Council of the Commission's cooperation and interest in the Human Rights Ordinance.

Sincerely yours,  
  
Alan R. Butler  
Executive Director

cc: James Caragianes, Chairman

Testimony by Lynn Scott, Cambridge Psychotherapist, June 19, 1984  
In favor of establishing Human Rights Commission

Gentlemen and Women of the Council:

*Appendix I*

I have lived for 55 years in this world and been a psychotherapist for 12 of those years here in Cambridge. It is with great pride that I claim this city as my home when your body shows responsibility beyond its regular business, as with DNE and germ warfare research or nuclear war preparations. Certainly a humane government is the sign of a truly civilized society.

And so it is not surprising that this Human Rights Ordinance is before you now and together we look carefully at the need we have for its passage.

Despite our religious training which includes the notion that sin occurs when we do an unloving or dangerous thing to another, our culture teaches us to divide people into groups and label them. As a woman therapist, who has fought her way past many limiting labels, I had to struggle hard within myself not to believe the labels I was forced to use in order to communicate with supervisors, more traditional colleagues, and the whole mental health system. I understood very quickly that the women and men who sought me out as counselor were the healthy ones. Because they were somehow "different" (and just WHO IS the norm?), they had suffered mightily at the hands of labelers with power. Their symptoms perfectly fit their situations which were crazy-making, and they came seeking understanding of that process.

CASE I: She is young, black, artistic, and beautiful. Yet her arms are filled with scars, self-inflicted knife wounds--rage turned inward. Raised as one of the few blacks in a suburban town, she could not find herself amid the expectations and assumptions of white America. Cities like Cambridge could offer her a community of artists, thinkers, and human services to get her started-----does it?

CASE II: She is lesbian, young, angry. Her story includes teen age incarceration in one of the worst mental hospitals, impregnation and delivery of a baby she gave up for adoption (and thinks of each birthday). She has been rejected four times by her family and continues to be in jobs and housing whenever her lesbianism is an issue.

more ...

CASE III: He is a gay man in a long-term relationship with an older man who died unexpectedly. His partner's family who had long denied their son, swooped into his house while he was still in mourning, took all the possessions and emptied the bank account, and dared him to take it to court.

CASE IV: He is a bright young man with muscular dystrophy. His family structure broke down when 3 out of 5 children developed m.d. His parents, reduced to childish reactions, became his burden as well. As his disease rapidly debilitated him and the family house was sold, he had to seek housing, work, and community. Landlords would not build ramps or deal with the "liability" of his presence. Jobs for wheelchair workers were never advertised. School seemed like a distant dream. The system did not work for him. Only his brightness, tenacity, and attitude worked for him.

What happens to those with no skills for ferreting out the necessities? These are the lost ones; to themselves, to our society who misses their god-given gifts, and to those of us who would be strengthened by knowing them. The society pays twice. Also in hard cash to create holding institutions ~~the~~ <sup>for</sup> the humanity in need and the humanity serving a need--a perpetual circle without a core of energy for creating new, more life-affirming solutions. That is a function for a Human Rights Commission.

Those Christians among us profess the simple message of Jesus to love God as we love ourselves---and then we see to it that a person does not grow up to love her or himself truly. So each of us does NOT love our neighbor truly, and fails to understand our connection through the godspirit.

My clients' attitudes and actions devolve from the belief that because they were somehow different from their families or their peers, they were unloveable. This, councilors, is the sin of our society. And we perpetuate it daily in our personal relationships and in our institutions. Perhaps our forefathers (and the wives with whom they surely consulted) had higher consciousness than we currently do. Perhaps they meant

the constitution to cover, naturally, all the phrases of the ordinance before you now. But my clients and the thousands of sufferers on the street right in front of this building, attest to the fact that our society has lapsed into an unconsciousness that will be its downfall. Our fallen people are its warning.

Yes, this bill is an external conscience, and, yes, that does limit its usefulness, but until we, as a society, awaken from the drugged sleep of division and disharmony, and relearn that the enemy is us and the suffering ours, we must have controls against the random and widespread shrinking of the soul of our people.

You have used your power in the past to waken the people whom you serve <sup>to</sup> ~~of~~ the dangers in our midst. This bill deals with the less dramatic but deeply insidious dangers to our body politic. The Commission can be the focussed lens on the issues. I urge you to move on this ordinance.

Thank you

## Appendix I

My name is Elizabeth R. Brown; I am Co-Chair of the Cambridge Lesbian and Gay Alliance, and a member of the Executive Board of Dignity Boston. I have lived and worked in Cambridge for 11 years. I thank Councillors Vellucci and Wolf for the introduction of these ordinances.

When I was 16 two friends of mine committed suicide. And somehow, as everyone in our small community whispered about their separate deaths, I knew that I was what had killed them. Realizing that, seeing not only their deaths, but also the myths, the stereotypes and the hatred, I went back in the closet so effectively that I did not know I was lesbian until I was 30. Those lost lives are partially responsible for my activity in the lesbian and gay community today.

'Coming out' has meant many different things to me. In addition to a sense of belonging, the sense that for the first time I am with my own people--something most people are able to take for granted--it has meant the painful recognition that I no longer have the rights and privileges I once had. Publications that formerly accepted my writing now reject it. A clinic in Cambridge where I had worked for 5 years with a group of people I had come to care about suddenly decided I was an embarrassment, an object of fear and hatred. I found myself subjected to 9 months of abusive and obscene gay-hating phone calls which the telephone company refused to investigate because it was 'a personal matter', meaning harassment of a gay person. There were verbal and physical threats. On 2 separate occasions people 'accidentally' spilled coffee on me. On my second to last day there, a colleague encountered me at the Xerox machine and said, 'Creatures like you should be dead I'd like to kill you myself'. Other colleagues simply turned their backs on me or refused to speak to me, lest someone think they too were gay. My boss and former mentor refused to take any action even after he knew of the harassment.

It is not only professional concerns but personal concerns that frighten many of us. If my landlord needs to come into my apartment to fix a broken washer on my sink, for example, and sees a photograph of my lover, or looks at my book-

shelves and sees too many gay/lesbian titles, or notices a copy of the bulletin for Dignity/Boston, which holds services for gay/lesbian and concerned Catholics and friends, he can evict me--and I have no legal recourse. In one particularly

Just by coming here and speaking to you today I am putting myself on the line. But many people do so inadvertently, and they need the protection of law perhaps more than people who have made a more conscious decision to be open.

If I were mugged leaving a lesbian or gay gathering place or even a political meeting such as this one!, and the incident were reported. I could be fired and lose my apartment. To give just one example, going into Dignity/Boston's weekly Mass, my friends and I have been subjected to shouts of 'faggot' and 'pervert' from passers-by. Even last Saturday during the Lesbian/Gay Pride parade where most participants tend to feel safe simply because there are so many of us, as we walked past the common some young people threw things at us and shouted names. If I became ill I could be denied treatment or mistreated at Cambridge City Hospital or denied access to friends, lover or even a priest, all because I am gay. The mere accusation of homosexuality can be enough to destroy someone's life; a straight woman recently reported that she had been fired for 'looking like a homosexual', whatever that means! A minister who I recently heard testify against gay rights stated that he had subscribed to gay publications in order to study the gay world; if his Bishop or Congregation did not believe him he could be defrocked or excommunicated. One doesn't need to arouse suspicion. Some years ago a psychology student was evicted because his landlord saw books dealing with homosexuality on the bookshelves; the fact that these were books were clinical and in many cases against homosexuality was irrelevant. That, of course, is one irony of these ordinances: they protect heterosexuals as well.

Everyone becomes a victim of oppression. Lesbians and Gay men are your neighbors, your relatives, your friends, your children. Imagine your son or daughter

unable to tell you that they loved someone, what they'd done last weekend, or even where they worked. Or imagine yourselves not being able to share your child's accomplishments with friends and relatives who ask what s/he is doing these days.

Perhaps the obvious question is--why tell anyone? On a practical level, it is all too easy to slip, to use the wrong pronoun, to have someone see you coming out of a gay or women's bookstore, to overhear you speaking with another gay person. On another level, changing names, changing pronouns, giving evasive answers, or telling outright lies erodes one's self-respect. People feel as if they live, have to live a lie, and the strain of that in terms of self-esteem and even the ability to be honest with oneself or others is damaging. Most importantly, of course, I strongly believe all lesbians and gay men have a moral obligation to come out, to make it safer for other people, to try to end oppression, to try to make sure that never again will any of us believe we are 'the only one in the world', as we all once did. For me, justice for lesbians and gay men is a very basic matter of human lives.

I am the daughter of an Episcopal priest; I spent my adolescence at an all-male seminary, and I am a Catholic. So I have heard all the theological arguments against lesbians/gay men, and I understand how difficult it is for some of you to approve of homosexuality. But these ordinances do not do that. What they do do is ask that you simply allow us the right to work, to live in an apartment, to be treated like anyone else. Councillor Wolf's ordinance in particular, as well as the Constitution of the United States, specifically protects religious institutions from having to employ or even rent space to lesbians/gay men. In light of the Catholic Bishops' letter a few weeks ago in opposition to the State gay rights bill, it should be noted that the Catholic

Bishops of Wisconsin, along with other religious denominations, restated their opposition to homosexuality and used many of the same arguments to support the Wisconsin Bill. It should also be noted that there is no such thing as just and unjust discrimination; all discrimination is unjust. Basic rights for lesbians/gay men do not conflict with the good of society at large; on the contrary it is the denial of those rights which conflict, since a people or group denied their rights cannot give of themselves to others. They are forced further into a life of self-oppression and self-hatred. To argue against discrimination while opposing a bill prohibiting it is simply not logical. As our Black and Jewish sisters and brothers know, when education fails--and it has; and when hearts are not changed--and they have not been, then laws are both practically and morally mandated.

I would also tell you that my religious beliefs have brought me here today. I have never believed in a God who does not care about all people, a God who does not believe in human rights. I also believe firmly that all sexuality is a gift.

Your support of this ordinance can make not only practicalities such as continued employment or housing a possibility, but help create a change in attitudes. Legal support, as you have seen with the Voting Rights Act and the Civil Rights Act, and with issues concerning women and the disabled can lead to change. It means that people can fight back when threatened, not just lesbians and gay men, but all of us in the City of Cambridge. This is especially important today in light of the recent court decisions and federal cutbacks affecting minorities. It can mean that people feel not only a sense of dignity but also of validation and support from the law and the government. It can be a first step in making human rights a reality.

Finally human rights means something to us all. It is a reflection on how we treat other human beings, and on how we treat ourselves--whether we care about people who are mistreated and attacked, or whether we join the persecutors. Martin Niemoller, a Lutheran pastor imprisoned by Hitler, wrote 'First they came for the Communists--and I didn't speak up, because I wasn't a Communist. They came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trades unionists, and I didn't speak up because I wasn't a trades unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me. And there was no-one left to speak'.

K

Resolution No. 28

Human Rights

*Passed 6/18/84*

Mayor Arthur J. Holland  
Trenton  
Mayor Thomas H. Cooke, Jr.  
East Orange  
Mayor Marion S. Barry, Jr.  
Washington, D.C.

- 1) WHEREAS, lesbians and gay men constitute, according to most estimates, 10 percent of the U.S. population, representing a substantial segment of American society in communities across the country; and
- 2) WHEREAS, existing civil rights legislation does not, according to court rulings, protect gay men and lesbians from discrimination based on sexual orientation, thus denying them the equal protection of the law guaranteed to other minority groups; and
- 3) WHEREAS, research and statistical surveys have demonstrated that gay men and lesbians are subject to discrimination based on sexual orientation in the workplace, in housing, in relations to the criminal and civil justice systems, and in the conduct of their everyday lives; and
- 4) WHEREAS, gay men and lesbians are subject to government-sanctioned discrimination in such areas as exclusion from military service and denial of immigration; and
- 5) WHEREAS, more than fifty state and local jurisdictions in the United States have already adopted and had successful experience with legal protections against discrimination based on sexual orientation; and
- 6) WHEREAS, gay/lesbian civil rights protections are supported by a cross-section of Americans--ranging from the National Council of Churches to the AFL-CIO; and
- 7) WHEREAS, the U.S. Conference of Mayors has traditionally taken a strong stand in support of the civil rights of all Americans,
- 8) NOW, THEREFORE, BE IT RESOLVED that the U.S. Conference of Mayors recognizes the right of all citizens, regardless of sexual orientation, to full participation in American society, and recommends that all levels of government adopt legal protections for the rights of gay and lesbian Americans. The Conference calls on its colleagues to consider executive and legislative remedies to guarantee equal opportunity and protection in the public and private sectors.

Projected Cost: None



# UNITARIAN UNIVERSALIST ASSOCIATION

of Churches and Fellowships in North America  
25 Beacon St. Boston, MA 02108 (617) 742-2100

## **The Reverend Robert P. Wheatly**

Associate Director  
Social Responsibility

Director  
Office of Lesbian and Gay Concerns



# UNITARIAN UNIVERSALIST ASSOCIATION

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25 Beacon St. Boston, MA 02108 (617) 742-2100

*Add to the Text  
of Human Rights  
Report - "L"*

June 19, 1984

The City Council  
City of Cambridge  
Cambridge, Mass.

My name is Bob Wheatly. I have been a resident of Cambridge for thirty-five years and currently live at 33 Cogswell Avenue. I want to applaud Councillors Vellucci and Wolf for their efforts to bring a civil rights ordinance to Cambridge. It is much needed and long overdue.

Some of you may recall that I was the first Director of the Cambridge Council on Aging, from 1973 to 1977. During that time we initiated the first directory of elderly services, Guidelines, the elderly discount program call Buylines, the elderly taxi discount program, ElderRide, the COA monthly newsletter, Newslines, and I was heavily involved in the processes which resulted in Cambridge, along with Somerville, obtaining one of the first six Home Care Services Corporations in the state, and in the building and furnishing of the Frank Manning apartments for the elderly in Central Square. Prior to my coming to work for the city, I was the first Director of the Cambridge Committee of Elders in 1972-73 where, among other things, we began an elder employment service called Elder Hire, one of the first such services in the state.

I mention these things with a distinct sense of pride of accomplishment, for it was work I loved doing and tried to do well - but also with a remembered fear during those years of service that I might lose or might not ever have gotten the opportunities to do them had it become known that I was, through it all, a homosexual.

As a matter of fact, I left city employment to work at the continental headquarters of my religious denomination, the Unitarian Universalist Association of Churches of North America, largely because it had had in place, since 1970, a clear, non-judgemental, non-discrimination policy of hiring which included sexual orientation among its categories. For the past seven years, until recently, I served as Associate Director of Social Responsibility, Executive Secretary to our Committee on Aging, and as Director of our Office of Lesbian and Gay Concerns.

I am here this evening in this latter capacity and as a minister, speaking officially in favor of a Civil Rights Ordinance for Cambridge which would specifically include sexual orientation among its categories.

I was ordained a minister many, many years ago and resisted characterizing myself as a homosexual because I did not believe one should or could be both. For almost forty years I did not know or understand that sexual orientation is one of nature's 'givens,' like being left-handed, having blue eyes and red hair, being six feet tall or five-foot-four. Sexual orientation is not a matter of preference - and this ordinance should not include that language. Some of us spent years

'preferring' and trying to be something we were not and could not become - namely, heterosexual.

It is entirely proper to include sexual orientation among the categories of this ordinance, because it is the same as other categories listed - sex, race, color, national origin, being of a particular age - all things beyond the control of the individual, all qualities of Being - what one IS, by virtue of a creative God in whose hands and mystery we all exist.

We have recently heard from some religious leaders who would make legal protection against discrimination a matter of choice based on religious creed or belief. I would strongly urge members of the Council not to be confused by such arguments. It is discrimination itself which is immoral. It is wrong to discriminate on the basis of what one inherently is, by virtue of simply being alive. It is a false morality that would allow anyone, on the basis of an interpretation of selected passages of Judeo-Christian scripture, to discriminate against those who are homosexual. This is a civil rights issue, not one of scriptural interpretation or meaning.

It is proper, therefore, for the state, the city of Cambridge in the present instance, to outlaw any such discrimination, for it is the duty of government to protect the civil rights of all its citizens. All who pay the costs of government are entitled to its services, to the protection of its laws, without exception, without prejudice; in fact, regardless of prejudice, religious or not.

Protection under the law cannot wait until, literally, everyone agrees as to what the law should be. Laws themselves are needed to teach some people what is and what is not acceptable in society, regardless of privately-held opinions. The slower process of education must go on simultaneously, of course, but we cannot, must not, wait until education has reached everyone before we legislate.

Lesbian women and gay men are not asking for special privilege, as has been suggested by some. We are not asking anyone for approval of a gay 'lifestyle,' whatever that is supposed to mean in the minds of non-gays. (There are many, different lifestyles among lesbian and gay citizens, not just one, truly - just as it is among heterosexuals.) We are, instead, asking only for equal protection under the law, which is the full and proper role and function of government. I urge the adoption of such a Civil Rights Ordinance in the City of Cambridge.

Rev. Robert P. Wheatly, Dir.  
Office of Lesbian and Gay  
Concerns



# UNITARIAN UNIVERSALIST ASSOCIATION

of Churches and Fellowships in North America  
25 Beacon St. Boston, MA 02108 (617) 742-2100

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CAMBRIDGE, MASS.

June 19, 1984

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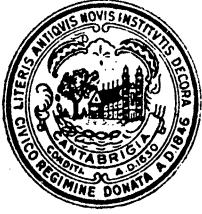
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Rev. Robert P. Wheatly, Dir.  
Office of Lesbian and Gay  
Concerns



# City of Cambridge

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In the Year One Thousand, Nine Hundred-Eighty Four

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

That the Code of the City of Cambridge is hereby amended by adding at the end thereof a new Chapter 25 entitled "Cambridge Human Rights Commission", which reads as follows:

### CHAPTER 25

### CAMBRIDGE HUMAN RIGHTS COMMISSION

## **Section 25-1. Public Policy**

Any practice that by design or effect discriminates against individuals because of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is of public concern, as such discrimination creates strife, hostility and unrest, threatens or impairs the rights and privileges of individuals and deprives individuals of the benefits of a free and open society. Discrimination that deprives individuals of equal opportunities is unjust and results in serious injury to the public safety, health, and welfare in this City.

Accordingly, it is the policy of the City of Cambridge to safeguard the equal opportunities of all individuals in the City in accordance with their abilities, regardless of their race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income and to prevent discrimination against such individuals in the provision of city services and in employment, housing and real estate, education, credit, bonding, insurance, and public accommodations.

Further, it is the policy of the City to encourage harmony and mutual respect among its inhabitants and visitors and to reduce tensions and strife caused by discrimination.

## **Section 25-2. Cambridge Human Rights Commission**

### **2.1. Establishment**

There is hereby established a Cambridge Human Rights Commission, hereinafter called "the Commission."

The Commission shall be considered a Department of the City, with all the rights and responsibilities thereof. The Executive Director of the Commission shall be considered the Department head.

### **2.2. Membership**

The Commission shall consist of eleven (11) members appointed by the City Manager, for terms of three (3) years, provided, however, that of the members first appointed to the Commission, four (4) shall be appointed for a term of one (1) year; four (4) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. Thereafter, the City Manager shall appoint each successor to a term of three (3) years. Any vacancy

occurring otherwise than by expiration of term shall be filled by appointment by the City Manager for the unexpired term.

In keeping with the policy of the Cambridge City Council, the members of the Commission shall be representative of the population of the City of Cambridge. The Commission shall contain members of groups traditionally targets of discriminatory behavior.

All members of the Commission shall be residents of the City of Cambridge at the time of their appointment and throughout their tenure.

### **2.3. Organization**

The Commission shall select a Chairperson and other such officers as it deems necessary at its first meeting and, subsequently, at the first meeting of each calendar year.

Six (6) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by majority vote of the Commission members present and voting.

The Commission shall adopt rules and regulations consistent with this Ordinance and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Ordinance and the powers and duties of the Commission in connection therewith. Said rules shall insure the due process rights of all persons involved in investigations and hearings.

All records of the Commission shall be public except as provided by state law.

Members of the Commission shall serve without compensation but reasonable per diem and necessary expense reimbursement shall be paid out of the budget of the Commission.

### **2.4. Staffing**

The Commission shall, with the advice and consent of the City Manager, employ an Executive Director who shall be the executive officer of the Commission and shall be responsible for carrying out the policies and decisions of the Commission. The Commission may employ an Administrative Assistant or such other personnel as it may from time to time deem necessary.

The Commission shall, when appropriate, request the assistance of the staff and Commissions of the City engaged

in related work, such as the Commission on the Status of Women, the Civic Unity Committee, the Commission on the Handicapped, the Fair Housing Office, the Affirmative Action officer, the Consumers' Council, the Council on Aging, and the Veterans' Service Department, and shall at all times work cooperatively with these groups.

The Commission shall receive aid, advice, and opinions from the City Solicitor and the legal department, and be represented in court by the City Solicitor.

## **2.5. Facilities**

The Commission shall be assigned office space in City Hall, the City Hall Annex, or other readily accessible location.

## **2.6. Functions, Powers, and Duties**

The function of the Commission shall be to implement the policy of this Ordinance 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.

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 Ordinance.
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 complaint and, if deemed expedient, to hold hearings, summons witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any relevant evidence. The power to summons witnesses as herein defined shall be limited to

those powers and procedures set forth in Chapter 233, Section 8 of the Massachusetts General Laws. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel present during any such hearing.

4. With respect to complaints not resolved by mediation, to file a complaint or report of its findings and recommendations with any court or government agency having jurisdiction over the matter in question; to seek or apply remedies as enumerated in Section 2.7.4; and in all cases urging and using its best efforts to bring about compliance with its recommendations.
5. To provide such workshops and public presentations, and to issue such publications and such results of investigations and research as, in its judgement, will promote good will and minimize or eliminate discrimination.
6. To study the problems of prejudice, intolerance, bigotry, and discrimination in the City of Cambridge and make such recommendations to the City Manager and City Council as, in its judgement, will effectuate the policy of this Ordinance and annually to make a written report to the City Manager and City Council of its activities.
7. To receive from the City Manager, department heads, and Superintendent of Schools, such information and assistance as, in the Commission's judgement, will effectuate the policy of this Ordinance.
8. To enlist the cooperation of community organizations, city or other government agencies and departments, and other groups in the effectuation of the policy of this Ordinance.
9. To seek or accept grants, gifts, or bequests to help finance its activities.

## **2.7. Complaint Procedures**

### **2.7.1. Filing of Complaint**

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 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 Ordinance.

No complaint shall be considered unless it is filed within one hundred eighty (180) days after the occurrence of the alleged unlawful practice.

The filing of a complaint, the failure to file a complaint, or the dismissal of complaint by the Commission shall not bar the complainant from seeking relief by means of a civil action filed in the Cambridge District Court or the district court for the judicial district in which the respondent resides. 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.

### **2.7.2. Investigation of Complaint**

After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

If such Commissioner(s) determine after such investigation that no probable cause exists for crediting the allegations of the complaint, they shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten days from such determination, notify the complainant in writing of such determination.

If such Commissioner(s) determine after such investigation that probable cause does exist for crediting 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 conference, conciliation, and persuasion to eliminate the unlawful practice. The Commission and its staff shall not disclose what has occurred in the course of such endeavors except to disclose the terms of conciliation when the complaint has been disposed of in this manner.

### **2.7.3. Hearings**

In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety (90) days have passed from commencement of mediation, 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 himself or herself or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.

### **2.7.4. Remedies**

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

If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this Ordinance, the Commission shall state its findings of fact and shall forthwith seek relief through one or more of the following actions:

1. File a criminal complaint against the respondent in the Cambridge District Court or the district court for the judicial district in which the respondent resides, seeking fines of up to Three Hundred Dollars (\$300) for each such violation;
2. Levy a fine on its own motion of up to Three Hundred Dollars (\$300) for each such violation;
3. File a complaint against the respondent in Superior Court seeking injunctive relief, including a temporary restraining order; or
4. File a complaint against the respondent in a court of appropriate jurisdiction seeking the award to

the complainant of damages, expenses, punitive damages, and other relief, as appropriate.

The Commission may be represented in court by the City Solicitor or by its own attorneys.

### **Section 25-3. City Services**

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to discriminate against any person in the provision of services, facilities, employment, housing or real estate transactions, education, or other opportunities because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for the City or the Cambridge School Department, or any of their agencies, departments, subdivisions, or employees to commit any act prohibited in this Ordinance which would be unlawful if committed by a private person.

It shall be a crime punishable by a fine of not more than Three Hundred Dollars (\$300) per violation to willfully violate this Section.

### **Section 25-4. City Contracts**

Any contract entered into by the City or the Cambridge Schools, or any of their agencies, departments, or subdivisions shall contain a covenant by the contractor and his or her subcontractors not to violate this Ordinance. Breach of this covenant shall be regarded as a material breach of the contract.

This Section shall not impair the obligation of any presently existing contract.

### **Section 25-5. Notices**

The City of Cambridge, every City contractor and subcontractor, every employer with one hundred (100) or more employees, every owner of an apartment building or housing complex of fifteen (15) or more units, every employment agency, every realtor and real estate agency, and every apartment or roommate service shall prominently post and keep

posted the following notice at its place of business or in such apartment building or housing complex:

"Discrimination on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income is unlawful in the City of Cambridge. Chapter 25, Cambridge City Code.

Cambridge Human Rights Commission  
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The blanks in the model above shall be properly filled with the address and telephone number of the offices of the Commission.

It shall be a crime punishable by a fine of not more than Fifty Dollars (\$50) per violation to willfully violate this Section.

## Section 25-6. Unlawful Practices

### 6.1. Criminal Acts

It shall be a crime punishable by a fine of not more than Three Hundred Dollars (\$300) per violation to commit any unlawful practice under this Section 6.

### 6.2. Employment

It shall be an unlawful practice for an employer directly or indirectly to refuse to hire or employ or to bar or to discharge from employment, training, or apprenticeship or to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment, training, or apprenticeship, because of the race, color, sex, age, religious creed, physical handicap, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification. An employer who asserts that a discriminatory practice is justified because of a bona fide occupational qualification that has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws, shall have the burden of showing 1) that the discrimination is in fact a

necessary result of a bona fide occupational qualification, and ii) that there exists no less discriminatory means of satisfying the occupational qualification.

The following practices shall be exempt from the operation of this Section:

1. Employment practices of an employer of fewer than six (6) persons.
2. Employment of an individual by his or her parent, child, or spouse.
3. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose.
4. Employment of an individual for work within the home of the employer.
5. Employment of an individual for the rendering of services to the person of the employer or his or her family.

The following practices shall not be deemed unlawful:

1. Employment programs designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided that such employment programs shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. Employment limited to the elderly or disabled, provided that such employment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
3. Observance by an employer of the conditions of a bona fide employee benefits system or plan (including, but not limited to, a contractual seniority system), provided that no such system or plan shall provide an excuse for failure to hire any individual.

### **6.3. Employment Agencies**

It shall be an unlawful practice for an employment agency directly or indirectly to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual. An employment agency that specializes in the recruitment and placement of elderly or disabled employees shall be exempt from the operation of this Section with respect to such specialized services, provided that such service shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

### **6.4. Labor Organizations**

It shall be an unlawful practice for a labor organization directly or indirectly to refuse to admit to membership, training, apprenticeship, or classification or to limit or terminate the privileges of membership, training, apprenticeship, or classification or to otherwise discriminate against any individual because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual.

### **6.5. Employment Advertising**

It shall be an unlawful practice for an employer, employment agency, or labor organization directly or indirectly to advertise or otherwise publicize that any individual is unwelcome or not employable because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such individual, unless based on a bona fide occupational qualification or one the exceptions set forth in Sections 6.2, 6.3, or 6.4.

### **6.6. Real Estate**

It shall be an unlawful practice for any person directly or indirectly to refuse to engage in a real estate transaction with any person or to set discriminatory terms or conditions with respect to a real estate transaction with any person or to advertise or otherwise publicize that any person is unwelcome or may not enter into a real estate transaction because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation,

marital status, family status, military status, or source of income of such person or of a person residing with such person.

This Section does not create an affirmative duty to remove barriers for the disabled in excess of the requirements of existing laws and ordinances.

The following practices shall be exempt from the operation of this Section:

1. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessee as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessee in order to gain access to the room or rooms thus let or rented.
2. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessee as his or her residence.
3. The leasing, rental, or other provision with or without fee of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.

The following practices shall not be deemed unlawful:

1. The establishment of government-sponsored housing programs operated either directly by government agencies or indirectly through government subsidization and regulation, which programs are designed to assist the elderly, disabled, or economically disadvantaged individuals, provided that such programs shall not discriminate among the elderly, disabled, or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The establishment of housing set aside for or limited to the elderly or the disabled, provided that such establishment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

3. The establishment of same-sex dormitories or portions thereof by educational facilities, provided that such establishment shall not discriminate on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. The establishment of a hospital, convent, monastery, shelter, asylum, or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including but not limited to half-way houses, drug treatment centers, detoxification facilities, shelters for the homeless, and the like.

#### 6.7. Credit

It shall be an unlawful practice for any bank, financial institution, or any other credit-granting or -approving institution or person, including a retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval, or extension of any form of loan or credit to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person. It shall not be an unlawful practice under this Section to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness as amount and source of income, age, employment history, credit references, and the number and age of dependents.

#### 6.8. Insurance

It shall be an unlawful practice for any insurance company, insurance agent, or person engaged in the service of providing insurance to refuse to insure any person or discriminate in the terms of insuring any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person, unless based on a bona fide actuarially determined insurance factor, such as the age or health of the person, that affects the risk for which insurance is being sought.

## **6.9. Bonding**

It shall be an unlawful practice for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

## **6.10. Education**

It shall be an unlawful practice for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, programs, opportunities, or curriculum offered by it to any person because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The establishment by an educational facility of minimum or maximum age requirements for any educational program, provided that such establishment shall not discriminate among the potential students on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
2. The selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion, provided that such selection shall not discriminate among the members of such religion on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
3. The maintenance or establishment by an education facility of a school or program limited to members of only one sex or otherwise segregated by sex, provided that such facility shall not discriminate among the members of such sex on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.
4. Educational programs or policies designed to effect affirmative action by giving special preference to women, racial minorities, or veterans, provided

that such programs or policies shall not discriminate among women, racial minorities, or veterans on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

5. The establishment by an education facility of special programs designed to assist or provide special training for the disabled, the elderly, individuals not fluent in English, or the economically disadvantaged. provided that such selection shall not discriminate among the disabled, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 7.3 (4) hereof.

#### **6.11. Public Accommodations**

It shall be an unlawful practice for any person directly or indirectly to withhold, deny, curtail, or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

It shall be an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability, or source of income of such person.

The following practices shall not be deemed unlawful:

1. The designation of a public accommodation for the exclusive or preferential use of the elderly or the disabled.
2. The designation of a rest room or of a privately-owned athletic or exercise facility for the exclusive or preferential use of members of a single sex.
3. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, national origin or ancestry, sexual orientation, marital status, family status, or military status, provided such preference is not advertised as or implied to

be a requirement for entry or use of such public accommodation.

#### **6.12. Harassment**

It shall be an unlawful practice for any person to attempt to harass, intimidate, threaten, assault, or otherwise discriminate against any person in or upon any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of such person.

#### **6.13. Subterfuge**

It shall be an unlawful practice for any person to commit any act forbidden by this Ordinance for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income of any person.

#### **6.14. Aiding or Coercing**

It shall be an unlawful practice for any person to aid, abet, incite, compel, coerce, or conspire to the commission of any of the acts forbidden by this Ordinance or to attempt to do so.

#### **6.15. Retaliation**

It shall be an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this Ordinance or because such person has filed a complaint, testified, or assisted in any proceeding under this Ordinance.

### **Section 25-7. Construction and Definitions**

#### **7.1. Construction of Ordinance**

The provisions of this Ordinance shall be construed liberally for the accomplishment of the purposes hereof, and any ordinances or portions thereof inconsistent with any provisions hereof shall not apply.

This Ordinance shall be deemed an exercise of the police power of the City of Cambridge for the protection of the

public safety, health, prosperity, and welfare.

## 7.2. Severability

Should any Section, provision, paragraph, sentence, or word of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the portion so declared to be invalid.

## 7.3. Definitions

As used in this Ordinance,

1. The term "age" shall mean the actual or supposed chronological age of an individual eighteen (18) years or older.
2. The term "~~bona fide~~ occupational qualification" shall mean a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, 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 (hereinafter referred to as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. The term "disability" shall mean any actual or supposed physical or mental handicap of an individual, other than the state of being presently legally incompetent.
4. The term "discrimination" shall mean 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, marital status, family status, military status, or source of income.
5. The term "educational facility" shall mean any person, whether organized for profit or not-for-profit, that hold itself out to the public as providing instruction in the arts, sciences, trades, or any other area of learning.
6. The term "family status" shall mean the actual or

supposed condition of having minor children living with the individual or not.

7. The term "real estate transaction" shall mean 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 public agency, including the design, construction, alteration, repair, sale, lease, sublease, mortgage, rental, or other provision, term, or offer of the same.
8. The term "labor organization" shall mean any association, regardless of its form of organization, of employees or persons involved in similar trades or industries for the purpose of collective bargaining, resolving grievances in the terms and conditions of employment, or any other mutual aid or protection.
9. The term "marital status" shall mean the actual or supposed state of being or having been married, separated, or divorced, or not.
10. The term "military status" shall mean the actual or supposed condition of being or having been in the service of the military, or not.
11. The term "public accommodation" shall mean any place or site, business or other establishment, or medium of communication, whether owned privately or by a public agency, that is intended for the patronage or use or convenience, whether for a charge or fee or not, of the general public, including but not limited to, inns, hotels, motels, roadhouses, trailer parks, campsites, any place where food or beverage is sold, retail stores, shopping malls, dispensaries, clinics, hospitals, rest homes, nursing homes, hospices, physicians' offices or other medical facilities, rest rooms, bathhouses, parks, public grounds, gardens, theaters, lecture halls, newspapers and magazines and other publications, barber shops, beauty parlors, motion picture houses, music halls, bowling alleys, amusement parks and arcades, skating rinks, ballparks, billiard and pool parlors, recreation parks, fairs, golf courses, gymnasiums, health clubs, shooting galleries, art galleries, libraries, laundries, garages, all public conveyances whether owned privately or by a public agency, transportation terminals and stations, public portions of buildings

accommodating the public, clubs, societies, and social associations that are public or quasi-public, banks, finance companies, insurance companies, streets, and parking lots.

Nothing contained herein 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 Section 7.3; 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 Ordinance if its membership requirements: i) consist only of the payment of fees or dues; ii) consist of requirements under which a substantial portion of the residents of or visitors to this city could qualify; or iii) consist primarily of a discrimination or exclusion based upon race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, family status, military status, or source of income.

12. The term "religious creed" shall mean the actual or supposed faith, belief, or moral philosophy of an individual or the lack thereof.
13. The term "sexual orientation" shall mean actual or supposed heterosexuality, homosexuality, or bisexuality.
14. The term "source of income" shall mean the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents, excluding the use of criminal activities as a means of support.

K

Resolution No. 28

Human Rights

*Passed 6/18/84*

Mayor Arthur J. Holland  
Trenton  
Mayor Thomas H. Cooke, Jr.  
East Orange  
Mayor Marion S. Barry, Jr.  
Washington, D.C.

- 1) WHEREAS, lesbians and gay men constitute, according to most estimates, 10 percent of the U.S. population, representing a substantial segment of American society in communities across the country; and
- 2) WHEREAS, existing civil rights legislation does not, according to court rulings, protect gay men and lesbians from discrimination based on sexual orientation, thus denying them the equal protection of the law guaranteed to other minority groups; and
- 3) WHEREAS, research and statistical surveys have demonstrated that gay men and lesbians are subject to discrimination based on sexual orientation in the workplace, in housing, in relations to the criminal and civil justice systems, and in the conduct of their everyday lives; and
- 4) WHEREAS, gay men and lesbians are subject to government-sanctioned discrimination in such areas as exclusion from military service and denial of immigration; and
- 5) WHEREAS, more than fifty state and local jurisdictions in the United States have already adopted and had successful experience with legal protections against discrimination based on sexual orientation; and
- 6) WHEREAS, gay/lesbian civil rights protections are supported by a cross-section of Americans--ranging from the National Council of Churches to the AFL-CIO; and
- 7) WHEREAS, the U.S. Conference of Mayors has traditionally taken a strong stand in support of the civil rights of all Americans,
- 8) NOW, THEREFORE, BE IT RESOLVED that the U.S. Conference of Mayors recognizes the right of all citizens, regardless of sexual orientation, to full participation in American society, and recommends that all levels of government adopt legal protections for the rights of gay and lesbian Americans. The Conference calls on its colleagues to consider executive and legislative remedies to guarantee equal opportunity and protection in the public and private sectors.

Projected Cost: None

K

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Projected Cost: None



# UNITARIAN UNIVERSALIST ASSOCIATION

of Churches and Fellowships in North America  
25 Beacon St. Boston, MA 02108 (617) 742-2100

*Add to the Text  
of Human Rights  
Report - "L"*

June 19, 1984

The City Council  
City of Cambridge  
Cambridge, Mass.

My name is Bob Wheatly. I have been a resident of Cambridge for thirty-five years and currently live at 33 Cogswell Avenue. I want to applaud Councillors Vellucci and Wolf for their efforts to bring a civil rights ordinance to Cambridge. It is much needed and long overdue.

Some of you may recall that I was the first Director of the Cambridge Council on Aging, from 1973 to 1977. During that time we initiated the first directory of elderly services, Guidelines, the elderly discount program call Buylines, the elderly taxi discount program, ElderRide, the COA monthly newsletter, Newlines, and I was heavily involved in the processes which resulted in Cambridge, along with Somerville, obtaining one of the first six Home Care Services Corporations in the state, and in the building and furnishing of the Frank Manning apartments for the elderly in Central Square. Prior to my coming to work for the city, I was the first Director of the Cambridge Committee of Elders in 1972-73 where, among other things, we began an elder employment service called Elder Hire, one of the first such services in the state.

I mention these things with a distinct sense of pride of accomplishment, for it was work I loved doing and tried to do well - but also with a remembered fear during those years of service that I might lose or might not ever have gotten the opportunities to do them had it become known that I was, through it all, a homosexual.

As a matter of fact, I left city employment to work at the continental headquarters of my religious denomination, the Unitarian Universalist Association of Churches of North America, largely because it had had in place, since 1970, a clear, non-judgemental, non-discrimination policy of hiring which included sexual orientation among its categories. For the past seven years, until recently, I served as Associate Director of Social Responsibility, Executive Secretary to our Committee on Aging, and as Director of our Office of Lesbian and Gay Concerns.

I am here this evening in this latter capacity and as a minister, speaking officially in favor of a Civil Rights Ordinance for Cambridge which would specifically include sexual orientation among its categories.

I was ordained a minister many, many years ago and resisted characterizing myself as a homosexual because I did not believe one should or could be both. For almost forty years I did not know or understand that sexual orientation is one of nature's 'givens,' like being left-handed, having blue eyes and red hair, being six feet tall or five-foot-four. Sexual orientation is not a matter of preference - and this ordinance should not include that language. Some of us spent years

'preferring' and trying to be something we were not and could not become - namely, heterosexual.

It is entirely proper to include sexual orientation among the categories of this ordinance, because it is the same as other categories listed - sex, race, color, national origin, being of a particular age - all things beyond the control of the individual, all qualities of Being - what one IS, by virtue of a creative God in whose hands and mystery we all exist.

We have recently heard from some religious leaders who would make legal protection against discrimination a matter of choice based on religious creed or belief. I would strongly urge members of the Council not to be confused by such arguments. It is discrimination itself which is immoral. It is wrong to discriminate on the basis of what one inherently is, by virtue of simply being alive. It is a false morality that would allow anyone, on the basis of an interpretation of selected passages of Judeo-Christian scripture, to discriminate against those who are homosexual. This is a civil rights issue, not one of scriptural interpretation or meaning.

It is proper, therefore, for the state, the city of Cambridge in the present instance, to outlaw any such discrimination, for it is the duty of government to protect the civil rights of all its citizens. All who pay the costs of government are entitled to its services, to the protection of its laws, without exception, without prejudice; in fact, regardless of prejudice, religious or not.

Protection under the law cannot wait until, literally, everyone agrees as to what the law should be. Laws themselves are needed to teach some people what is and what is not acceptable in society, regardless of privately-held opinions. The slower process of education must go on simultaneously, of course, but we cannot, must not, wait until education has reached everyone before we legislate.

Lesbian women and gay men are not asking for special privilege, as has been suggested by some. We are not asking anyone for approval of a gay 'lifestyle,' whatever that is supposed to mean in the minds of non-gays. (There are many, different lifestyles among lesbian and gay citizens, not just one, truly - just as it is among heterosexuals.) We are, instead, asking only for equal protection under the law, which is the full and proper role and function of government. I urge the adoption of such a Civil Rights Ordinance in the City of Cambridge.

Rev. Robert P. Wheatly, Dir.  
Office of Lesbian and Gay  
Concerns

K

Resolution No. 28

Human Rights

*Passed 6/18/84*

Mayor Arthur J. Holland  
Trenton  
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Washington, D.C.

- 1) WHEREAS, lesbians and gay men constitute, according to most estimates, 10 percent of the U.S. population, representing a substantial segment of American society in communities across the country; and
- 2) WHEREAS, existing civil rights legislation does not, according to court rulings, protect gay men and lesbians from discrimination based on sexual orientation, thus denying them the equal protection of the law guaranteed to other minority groups; and
- 3) WHEREAS, research and statistical surveys have demonstrated that gay men and lesbians are subject to discrimination based on sexual orientation in the workplace, in housing, in relations to the criminal and civil justice systems, and in the conduct of their everyday lives; and
- 4) WHEREAS, gay men and lesbians are subject to government-sanctioned discrimination in such areas as exclusion from military service and denial of immigration; and
- 5) WHEREAS, more than fifty state and local jurisdictions in the United States have already adopted and had successful experience with legal protections against discrimination based on sexual orientation; and
- 6) WHEREAS, gay/lesbian civil rights protections are supported by a cross-section of Americans--ranging from the National Council of Churches to the AFL-CIO; and
- 7) WHEREAS, the U.S. Conference of Mayors has traditionally taken a strong stand in support of the civil rights of all Americans,
- 8) NOW, THEREFORE, BE IT RESOLVED that the U.S. Conference of Mayors recognizes the right of all citizens, regardless of sexual orientation, to full participation in American society, and recommends that all levels of government adopt legal protections for the rights of gay and lesbian Americans. The Conference calls on its colleagues to consider executive and legislative remedies to guarantee equal opportunity and protection in the public and private sectors.

Projected Cost: None

My name is Elizabeth R. Brown; I am Co-Chair of the Cambridge Lesbian and Gay Alliance, and a member of the Executive Board of Dignity Boston. I have lived and worked in Cambridge for 11 years. I thank Councillors Vellucci and Wolf for the introduction of these ordinances.

When I was 16 two friends of mine committed suicide. And somehow, as everyone in our small community whispered about their separate deaths, I knew that I was what had killed them. Realizing that, seeing not only their deaths, but also the myths, the stereotypes and the hatred, I went back in the closet so effectively that I did not know I was lesbian until I was 30. Those lost lives are partially responsible for my activity in the lesbian and gay community today.

'Coming out' has meant many different things to me. In addition to a sense of belonging, the sense that for the first time I am with my own people--something most people are able to take for granted--it has meant the painful recognition that I no longer have the rights and privileges I once had. Publications that formerly accepted my writing now reject it. A clinic in Cambridge where I had worked for 5 years with a group of people I had come to care about suddenly decided I was an embarrassment, an object of fear and hatred. I found myself subjected to 9 months of abusive and obscene gay-hating phone calls which the telephone company refused to investigate because it was 'a personal matter', meaning harassment of a gay person. There were verbal and physical threats. On 2 separate occasions people 'accidentally' spilled coffee on me. On my second to last day there, a colleague encountered me at the Xerox machine and said, 'Creatures like you should be dead I'd like to kill you myself'. Other colleagues simply turned their backs on me or refused to speak to me, lest someone think they too were gay. My boss and former mentor refused to take any action even after he knew of the harassment.

It is not only professional concerns but personal concerns that frighten many of us. If my landlord needs to come into my apartment to fix a broken washer on my sink, for example, and sees a photograph of my lover, or looks at my book-

shelves and sees too many gay/lesbian titles, or notices a copy of the bulletin for Dignity/Boston, which holds services for gay/lesbian and concerned Catholics and friends, he can evict me--and I have no legal recourse. In one particularly  
Just by coming here and speaking to you today I am putting myself on the line. But many people do so inadvertently, and they need the protection of law perhaps more than people who have made a more conscious decision to be open.

If I were mugged leaving a lesbian or gay gathering place or even a political meeting such as this one!, and the incident were reported. I could be fired and lose my apartment. To give just one example, going into Dignity/Boston's weekly Mass, my friends and I have been subjected to shouts of 'faggot' and 'pervert' from passers-by. Even last Saturday during the Lesbian/Gay Pride parade where most participants tend to feel safe simply because there are so many of us, as we walked past the common some young people threw things at us and shouted names. If I became ill I could be denied treatment or mistreated at Cambridge City Hospital or denied access to friends, lover or even a priest, all because I am gay. The mere accusation of homosexuality can be enough to destroy someone's life; a straight woman recently reported that she had been fired for 'looking like a homosexual', whatever that means! A minister who I recently heard testify against gay rights stated that he had subscribed to gay publications in order to study the gay world; if his Bishop or Congregation did not believe him he could be defrocked or excommunicated. One doesn't need to arouse suspicion. Some years ago a psychology student was evicted because his landlord saw books dealing with homosexuality on the bookshelves; the fact that these were books were clinical and in many cases against homosexuality was irrelevant. That, of course, is one irony of these ordinances: they protect heterosexuals as well.

Everyone becomes a victim of oppression. Lesbians and Gay men are your neighbors, your relatives, your friends, your children. Imagine your son or daughter

unable to tell you that they loved someone, what they'd done last weekend, or even where they worked. Or imagine yourselves not being able to share your child's accomplishments with friends and relatives who ask what s/he is doing these days.

Perhaps the obvious question is--why tell anyone? On a practical level, it is all too easy to slip, to use the wrong pronoun, to have someone see you coming out of a gay or women's bookstore, to overhear you speaking with another gay person. On another level, changing names, changing pronouns, giving evasive answers, or telling outright lies erodes one's self-respect. People feel as if they live, have to live a lie, and the strain of that in terms of self-esteem and even the ability to be honest with oneself or others is damaging. Most importantly, of course, I strongly believe all lesbians and gay men have a moral obligation to come out, to make it safer for other people, to try to end oppression, to try to make sure that never again will any of us believe we are 'the only one in the world', as we all once did. For me, justice for lesbians and gay men is a very basic matter of human lives.

I am the daughter of an Episcopal priest; I spent my adolescence at an all-male seminary, and I am a Catholic. So I have heard all the theological arguments against lesbians/gay men, and I understand how difficult it is for some of you to approve of homosexuality. But these ordinances do not do that. What they do do is ask that you simply allow us the right to work, to live in an apartment, to be treated like anyone else. Councillor Wolf's ordinance in particular, as well as the Constitution of the United States, specifically protects religious institutions from having to employ or even rent space to lesbians/gay men. In light of the Catholic Bishops' letter a few weeks ago in opposition to the State gay rights bill, it should be noted that the Catholic

Bishops of Wisconsin, along with other religious denominations, restated their opposition to homosexuality and used many of the same arguments to support the Wisconsin Bill. It should also be noted that there is no such thing as just and unjust discrimination; all discrimination is unjust. Basic rights for lesbians/gay men do not conflict with the good of society at large; on the contrary it is the denial of those rights which conflict, since a people or group denied their rights cannot give of themselves to others. They are forced further into a life of self-oppression and self-hatred. To argue against discrimination while opposing a bill prohibiting it is simply not logical. As our Black and Jewish sisters and brothers know, when education fails--and it has; and when hearts are not changed--and they have not been, then laws are both practically and morally mandated.

I would also tell you that my religious beliefs have brought me here today. I have never believed in a God who does not care about all people, a God who does not believe in human rights. I also believe firmly that all sexuality is a gift.

Your support of this ordinance can make not only practicalities such as continued employment or housing a possibility, but help create a change in attitudes. Legal support, as you have seen with the Voting Rights Act and the Civil Rights Act, and with issues concerning women and the disabled can lead to change. It means that people can fight back when threatened, not just lesbians and gay men, but all of us in the City of Cambridge. This is especially important today in light of the recent court decisions and federal cutbacks affecting minorities. It can mean that people feel not only a sense of dignity but also of validation and support from the law and the government. It can be a first step in making human rights a reality.

Finally human rights means something to us all. It is a reflection on how we treat other human beings, and on how we treat ourselves--whether we care about people who are mistreated and attacked, or whether we join the persecutors. Martin Niemoller, a Lutheran pastor imprisoned by Hitler, wrote 'First they came for the Communists--and I didn't speak up, because I wasn't a Communist. They came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trades unionists, and I didn't speak up because I wasn't a trades unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me. And there was no-one left to speak'.

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10. Jonathan Handel, 367 Harvard Street.
11. Janet Ferone, President, of the Boston Now Chapter of 99 Bishop Allen Drive, Cambridge.
12. Carol Johnson of 11 Carlisle Street, Cambridge.
13. Mary Ann Kowalaski of 7 Pleasant Place, Cambridge.
14. Brenda Walcott of 12 Prince Street, Cambridge.
15. Thomas Barbera, 8 Howard Street, Cambridge.
16. Reverend Robert P. Wheatley, 25 Beacon Street, Associate Director for Social Responsibility for the Unitarian Universalist Association of Churches and Director of the Office of Lesbian and Gay Concerns.
17. John F. Kerry, Lieutenant Governor of Massachusetts by communication dated June 18, 1984 recorded himself in favor of a human rights commission and stressed the need for legislation protecting the rights of gay men and lesbians. His letter is attached to the record and designated Appendix E.
18. John W. Roberts by letter dated June 19, 1984 indicated the support of the Civil Liberties Union of Massachusetts. His communication is attached to the record and designated as Appendix F.
19. Janis Pryor, 6 Sherman Street, Cambridge, read a prepared statement in support of the proposed legislation which is appended to the record and designated Appendix G.
20. The committee was in receipt of a letter dated June 14, 1984 from Alan R. Butler of Cambridge Consumer Advisory Commission assuring the committee of their cooperation and interest in the proposed Human Rights Ordinance which letter is appended to the record and designated as Appendix H.
21. Lynn Scott read a prepared statement which is attached to the record and designated Appendix I.
22. Elizabeth Brown, Co-Chairman of the Cambridge Lesbian and Gay Alliance, recorded herself in favor and thanked Councillors Wolf and Vellucci for introducing their ordinances. Her statement is appended to the record and designated Appendix J.

23. Resolution submitted by Mayor Arthur J. Holland, Trenton, Mayor Thomas H. Cooke, Jr., East Orange and Mayor Marion S. Barry, Jr., Washington, D. C. is appended to the record and designated Appendix K.

24. Communication from Bob Wheatly from the Unitarian Universalist Association is appended to the record and designated Appendix L.

The proposal submitted by Councillor Vellucci proposes a nine member commission appointed by the City Manager for terms as follows:

three members for term of three years  
three members for term of two years  
three members for term of one year.

The City Manager shall solicit nominations from as many public service groups and other sources which he deems appropriate, including but not limited to:

a member of the City Council  
a member of the School Committee  
the Cambridge Affirmative Action Officer  
a member of the Cambridge Housing Authority  
Assistant City Manager in charge of Human Services  
a member of the clergy  
and three citizens with at least four years of permanent residence in Cambridge.

The Commission shall elect a chairperson from among its members and shall be elected at the first meeting in January each year. The Commission shall work with the City Manager and/or his assistants on matters pertaining to human rights of Cambridge citizens and shall discuss human rights problem area with the City Manager and make recommendations to protect the human rights of all Cambridge citizens and employees.

The City Manager shall retain full authority for action as he now possesses under the General Ordinances of the City of Cambridge and the General Laws of the Commonwealth. The City Manager shall appoint a part-time secretary for the Commission of Human Rights who shall prepare meeting notices and agendas, coordinate information needs of the commission, record minutes of commission meetings, distribute material to commission members and perform whatever additional duties are assigned by the Commission and shall also keep the commission informed of all complaints or calls which come into the office from the public. The City Manager shall provide office space in City Hall for the commission.

The Commission shall report to the City Council in writing as to the progress that is being made under this ordinance with suggestions and recommendations to further the aims of the ordinance. The Commission through request of the City Manager may obtain assistance from the Law Department, from the City Solicitor or/or his staff. The Commission shall attempt through mediation to resolve any complaint received and to recommend to the City Manager action to resolve the complaints and shall cooperate with federal, state, and city agencies.

The proposal submitted by Councillor Wolf proposes an eleven member commission appointed by the City Manager to be appointed to terms as follows:

four members for a term of one year  
four members for a term of two years and  
three members for a term of three years

The commission shall elect a Chairperson and other such officers as it deems necessary at its first meeting and subsequently at the first meeting of each calendar year with a quorum of six members being constituted and shall adopt rules and regulations consistent with the ordinance. The records of the commission shall be made open to the public except as provided by state law and the membership shall receive no compensation. The commission will employ an executive director and may also employ an administrative assistant or such other personnel as it may deem necessary and shall receive the assistance from other city agencies and shall be assigned space at City Hall, the City Annex or other accessible location.

The Commission shall investigate complaints of discrimination, mediating complaints, hold hearing and present findings to the City Manager.

In Councillor Wolf proposal there are provisions for unlawful practices as follows:

Criminal Acts  
Employment  
Employment Agencies  
Labor Organizations  
Employment Advertising  
Real Estate  
Credit  
Insurance  
Bonding  
Education  
Public Accommodations  
Harassment  
Subterfuge  
Aiding or Coercing  
Retaliation.

The Ordinance shall be deemed an exercise of the police power of the City of Cambridge for the protection of the citizens.

A copy of both Councillor Vellucci and Councillor Wolf's proposed ordinance amendments are appended to this report.

The Chair now requested the opponents to appear and be heard.

At the call of the Chair, no one appeared in opposition.

On motion of Councillor Vellucci the two proposals were referred to the City Council at its meeting of June 25, 1984, without recommendation.

On motion of Councillor Wolf the hearing adjourned at eight o'clock and three minutes p. m.

For the Committee,

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Councillor David Sullivan,  
Chairman.

# City of Cambridge

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In City Council June 25, 1984

**The** Ordinance **Committee**  
comprised of the entire membership of the City Council

to which

was referred two proposed amendments to the General Ordinances of the City of Cambridge providing for the establishment of a Human Rights Commission submitted by Councillor Vellucci and by Councillor Wolf.

Councillor David Sullivan, Chairman, presided and called the hearing to order at five o'clock and fifty-eight minutes p. m. and requested the proponents to appear and be heard.

In response to the call of the Chair, the Committee heard from the following persons who recorded themselves in favor.

1. Margot Kosberg, Commissioner, of the Massachusetts Commission Against Discrimination, resident of Cambridge, who read from a prepared statement which is attached to this report and designated Appendix A.
2. Denise Simmons, representing the Cambridge Civic Unity Committee, read a prepared statement outlining the organization and purpose of that Committee, which statement is attached to the record and designated as Appendix B.
3. Robert Alexander, Chairman of the Committee on Handicapped Persons.
4. Deborah Meyer read a prepared statement on behalf of Mark Govoni of the United Food and Commercial Workers, Local 1445 and submitted the statement for the record which is attached thereto and designated Appendix C.
5. Frederick Levy, President of the Cambridge Civic Association, read a prepared statement which is appended to the record and designated as Appendix D.
6. Monica Styrom, Pastor of the Old Cambridge Baptist Church.
7. Kevin Catherat, 285 Harvard Street, Cambridge.
8. Nancy Ryan, 4 Ashburton Place, Boston, Cambridge Committee on the Status of Women.
9. Robert E. Richards, 76 Antrim Street, Cambridge.

O-33

## REPORT

**Committee on Ordinances**

RE: HUMAN RIGHTS COMMISSION

transmitting two proposals  
one submitted by Councillor Vellucci  
and the second proposal submitted  
by Councillor Wolf.

See O-34 also

In City Council,  
June 25, 1984