

Chapter 2.76 - HUMAN RIGHTS COMMISSION

Sections:

2.76.010 - Established.

- A. There shall be a Cambridge Human Rights Commission consisting of eleven members, which may be altered by an amendment to the ordinance codified in this chapter by the City Council.
- B. 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.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 1)

2.76.020 - Purpose.

The Commission of Human Rights shall work with the City Manager and/or his or her assistants on matters pertaining to the human rights of City citizens. The main purpose for which the ordinance codified in this chapter is enacted is to protect the human rights of all the citizens of the City.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 3(D))

2.76.030 - Definitions.

As used in this chapter:

1. "Age" means the actual or supposed chronological age of an individual eighteen years or older.
2. "Bona fide occupational qualification" means a valid consideration of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender identity, 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 (referred to in this chapter as "the Commission") or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Laws.
3. "Disability" means a any actual or supposed physical or mental impairment handicap of an individual, which substantially limits one or more of a person's major life activities, a record of having such impairment, or being regarded as having such impairment. other than the state of being presently legally incompetent.

4. "Discrimination" means 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, gender identity, marital status, family status, military status or source of income.
5. "Educational facility" means any person, whether organized for profit or not-for-profit, that holds itself out to the public as providing instruction in the arts, sciences, trades or any other area of learning.
6. "Family status" means the actual or supposed condition of having minor children living with the individual or not.
7. "Gender Identity" means a person's gender-related identity, appearance or behavior, whether or not that that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.
- ~~8.7.~~ "Labor organization" means any association, regardless of its form of organization, or 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.
- ~~9.8.~~ "Marital status" means the actual or supposed state of being or having been married, separated or divorced, or not.
- ~~109.~~ "Military status" means the actual or supposed condition of being or having been in the service of the military, or not.
- ~~119.~~a. "Public accommodation" means 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, ball parks, 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.
- b. Nothing contained in this chapter 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 chapter 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 chapter 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 the 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, gender identity, marital status, family status, military status or source of income.

~~12~~4. "Real estate transaction" means 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.

~~13~~2. "Religious creed" means the actual or supposed ~~ds~~ faith, belief or moral philosophy of an individual or the lack thereof.

~~14~~. "Same sex" means occupying the same social and identity roles as another with respect to being male or female.

~~(Ord. 1182, Amended, 02/24/1997; Ord. 1155, Amended, 01/10/1994)~~

~~15~~3. "Sexual orientation" means the actual or supposed heterosexuality, homosexuality or bisexuality of an individual.

~~16~~4. "Source of income" means public assistance reciprocity. "Source of income" shall not include income derived from criminal activity.

(Ord. 1155, Amended, 01/10/1994; Ord. 1016 (part), 1984: prior code Ch. 25 § 9(E))

~~15. "Gender" means the actual or perceived appearance, expression or identity of a person with respect to masculinity and femininity; and~~

~~16. "Same sex" means occupying the same social and identity roles as another with respect to being male female.~~

~~(Ord. 1182, Amended, 02/24/1997; Ord. 1155, Amended, 01/10/1994)~~

2.76.040 - Appointment—Term.

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, four members for a period of two years and four members for a period of one year. Any vacancy occurring other than by expiration of term shall be filled by appointment by the City Manager for the unexpired term.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 2)

2.76.050 - Nominations.

- A. Not less than two months prior to making such appointments, or reappointments, the City Manager shall solicit nominations from as many public service groups and other sources which he or she deems appropriate as possible.
- B. In keeping with the policy of the City Council, the members of the Commission shall be representative of the population of the City. The Commission shall contain members of groups traditionally targets of discriminatory behavior.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 3(A))

2.76.060 - Residency requirement.

All members of the Commission shall be residents of the City when appointments are being made by the City Manager, and throughout their tenure.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 3(B))

2.76.070 - Officers—Quorum—Adoption of rules and regulations—Compensation.

- A. The Commission shall elect a Chairperson from among its members. The Chairperson shall be elected at the first meeting each year. The Commission members shall make an attempt to rotate the election of a Chairperson each year thereafter.
- B. Six 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.
- C. The Commission shall adopt rules and regulations consistent with this chapter and the laws of the Commonwealth to carry out the policy and provisions of this chapter and the powers and duties of the Commission in connection therewith. The rules shall insure the due process rights of all persons involved in investigations and hearings.
- D. All records of the Commission shall be public except as provided by State law.
- E. 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.
- F. The Commissioners shall be classified as special municipal employees for the purposes of Chapter 268A of the Massachusetts General Laws.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 3(C))

2.76.080 - Recommendations of deficiencies.

- A. The Commission shall discuss human rights problem areas with the City Manager and make recommendations necessary to protect the human rights of all City citizens and employees.
- B. The Commission shall request of the City Manager, department heads and Superintendent of Schools, such information and staff support as is reasonable so that it may be properly informed.
- C. The Commission may 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.
- D. The ~~City Commission shall,~~ with the advice ~~and consent~~ of the ~~Commission shall~~ 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 ~~City Commission~~ may employ an Administrative Assistant or such other personnel as it may from time to time deem necessary.
- E. 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 for Persons with Disabilities, the Lesbian Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission,~~on the Handicapped, the Fair Housing Office, the Affirmative Action Officer~~ the Office of Equity and Inclusion, the Consumers' Council, the Council on Aging and the Veterans' Service Department, and shall at all times work cooperatively with these groups.
- F. 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 ~~, or by its own attorneys.~~
- G. The City Manager shall provide office space ~~in City Hall~~ to the Commission in order to give easy access to citizen complaints.
- H. Each year, the Commission 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 chapter. These written reports may properly contain suggestions and recommendations which will further the aims of this chapter.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 4)

2.76.090 - Authority to conduct investigations.

The Commission may at any time question matters pertaining to City bona fide residents who are faculty members and/or students of local schools and universities who are involved in human rights complaints.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 5)

2.76.100 - Covenant for new contracts—Existing contracts.

- A. 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 chapter. Breach of this covenant shall be regarded as a material breach of the contract.
- B. This section shall not impair the obligation of any presently existing contract.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 6)

2.76.110 - Posting of discrimination policy required.

- A. The City, every City contractor and subcontractor, every employer with one hundred or more employees, every owner of an apartment building or housing complex of fifteen 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, gender identity, marital status, family status, military status or source of income is unlawful in the City of Cambridge. Chapter 2.76, Cambridge Municipal Code.

Cambridge Human Rights Commission

_____ Cambridge, Massachusetts

- B. The blanks in the model set out in subsection A of this section shall be properly filled with the address and telephone number of the offices of the Commission.
- C. It shall be a crime punishable by a fine of not more than fifty dollars per violation to willfully violate this section.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 7)

(Ord. 1182, Amended, 02/24/1997)

2.76.120 - Acts deemed lawful and unlawful—Exemptions.

The Commission shall receive and investigate complaints of 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 and initiate its own investigation of the following activities and unlawful practices except that complaints against the City of Cambridge, City Departments and/or City employees shall be referred to the Massachusetts Commission Against Discrimination (“MCAD”) for investigating and resolution:

- ~~A. It is 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, gender, marital status, family status, military status or source of income of such persons.~~

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

A.C. It is an unlawful practice to deny any person or group equal access to City services in employment, housing, education, recreation or other areas where such denial is based on limited English language skills.

B.D. 1. It is 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, disability~~physical handicap~~, national origin or ancestry, sexual orientation, gender identity, 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:

- a. That the discrimination is in fact a necessary result of a bona fide occupational qualification; and
- b. That there exists no less discriminatory means of satisfying the occupational qualifications.

2. Reasonable accommodation shall be made to enable the employment or continued employment of a ~~disabled~~ person with a disability unless the employer can demonstrate that the extent of the accommodation required to meet the limitations of the person would impose an undue hardship or safety hazard to the employer's business.

3. The following practices shall be exempt from the operation of this section:

- a. Employment practices of an employer of fewer than six persons;
- b. Employment of an individual by his or her parent, child or spouse;
- c. Employment by a religious institution of individuals performing a service related to a bona fide religious purpose;
- d. Employment of an individual for work within the home of the employer;
- e. Employment of an individual for the rendering of services to the person of the employer or his or her family.

4. The following practices shall not be deemed unlawful:

- a. 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 2.76.030 of this chapter;
- b. Employment limited to the elderly or persons with disabilities~~disabled~~; provided, that such employment shall not discriminate among the elderly or persons with disabilities~~disabled~~ on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
- c. 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.

CE. It is an unlawful practice for any 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, gender identity, marital status, family status, military status or source of income of such individual. An employment agency that specializes in the recruitment and placement of the elderly or persons with disabilities~~disabled employees~~ shall be exempt from the operation of this section with respect to such specialized services; provided, that such services shall not discriminate among the elderly or persons with disabilities~~disabled~~ on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

DF. It is an unlawful practice for a labor organization directly or indirectly to refuse to admit to 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, gender identity, marital status, family status, military status or source of income of such individual.

EG. It is 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, gender identity, marital status, family status, military status or source of income of such individual, unless based on a bona fide occupational qualification or one of the exceptions set forth in ~~this subsection and~~ subsections BF and CH of this section.

FH. 1. It is 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, gender identity, marital status,

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

2. This section does not create an affirmative duty to remove barriers for persons with disabilities~~the disabled~~ in excess of the requirements of existing laws and ordinances, but reasonable accommodation shall be made to enable the provision of housing for a person with a disability~~handicapped person~~.
 3. The following practices shall be exempt from the operation of this section:
 - a. The leasing or renting of a room or rooms within a dwelling or apartment which is occupied by the lessor as his or her residence and in which the roomer or boarder must pass through the space or a portion thereof occupied by such lessor in order to gain access to the room or rooms thus let or rented;
 - b. The leasing or renting of a single apartment in a two-family dwelling, the other residential unit of which is occupied by the lessor as his or her residence;
 - c. The leasing, rental or other provision with or without fee or space within a church, temple, synagogue, religious school or other facility used primarily for religious purposes.
 4. The following practices shall not be deemed unlawful:
 - a. 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, persons with disabilities~~disabled~~ or economically disadvantaged individuals; provided, that such programs shall not discriminate among the elderly, persons with disabilities~~disabled~~ or economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter;
 - b. The establishment of housing set aside for or limited to the elderly or persons with disabilities~~the disabled~~; provided, that such establishment shall not discriminate among the elderly or persons with disabilities~~disabled~~ on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.
 - c. 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 2.76.030 of this chapter.
 - d. 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.
- G. It is an unlawful practice for any bank, financial institution or any other credit-granting or credit-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, gender identity, 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.

- H. 1. It is 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, gender identity, 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.

2. In accordance with federal court~~se~~ cases, it is the intention of this section that actuarial data be gender-neutral.
- I. It is 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, gender identity, marital status, family status, military status or source of income of such person.
- J. 1. It is 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, gender identity, marital status, family status, military status or source of income of such person.

2. The following practices shall not be deemed unlawful:

 - a. 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 2.76.030 of this chapter;
 - b. 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 2.76.030 of this chapter;
 - c. 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 2.76.030 of this chapter;

- d. 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 2.76.030 of this chapter;
- e. The establishment by an educational facility of special programs designed to assist or provide special training for persons with disabilities~~the disabled~~, the elderly, individuals not fluent in English, or the economically disadvantaged; provided, that such selection shall not discriminate among persons with disabilities~~the disabled~~, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

KM. 1. It is 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, gender identity, marital status, family status, military status or source of income of such person.

- a. It is an unlawful practice for any person who owns, operates, leases, or leases to a place of public accommodation, to fail to take action to remove architectural barriers, and communication barriers that are structural in nature, in existing places of public accommodation, unless such barrier removal action is not readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense. For the purposes of this section, "barrier" means any physical element of a facility that impedes access by people with disabilities.
- b. In determining whether an action is readily achievable, factors to be considered include: -
 - i. the nature and cost of the action needed under this section;
 - ii. the overall ~~financial~~financial resources of the public accommodation involved in the action; the number of persons employed at such public accommodation; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the public accommodation;
 - iii. the overall financial resources of the public accommodation; the overall size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and

- iv. the type of operation or operations of the public accommodation, including the composition, structure, and functions of the workforce of such public accommodation; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the public accommodation.
 - c. Where a public accommodation can demonstrate that the removal of a barrier under clause 1.a. is not readily achievable, it is an unlawful practice for that public accommodation to fail to make such goods, services, facilities, privileges, advantages, or accommodations available through non-structural methods, if such methods are readily achievable.
 - d. These provision shall not apply to entities other than those entities regulated by Title III of the Americans with Disabilities Act, 42 U.S.C. 12181-2189.
- 2. It is 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.
- 3. The following practices shall not be deemed unlawful:
 - a. The designation of a public accommodation for the exclusive or preferential use of the elderly or persons with disabilities~~the disabled~~;
 - b. 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;
 - c. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender identity, 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.
- LN. It is an unlawful practice for any person 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, gender identity, marital status, family status, military status or source of income of such person, or attempt to do so.
- MO. It is an unlawful practice for any person to commit any act forbidden by this chapter 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, gender identity, marital status, family status, military status or source of income of any person.
- NP. It is 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 chapter or to attempt to do so.

oe. It is 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 chapter or because such person has filed a complaint, testified or assisted in any proceeding under this chapter.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 8(A))
(Ord. 1314, Added, 03/03/2008; Ord. 1182, Amended, 02/24/1997)

2.76.130 - Cooperation with other government agencies.

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 chapter.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 8(B))

2.76.140 - Investigation of discrimination—Powers and duties.

- A. The function of the Commission shall be to implement the policy of this chapter 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.
- B. 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 chapter;
 - 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 defined in this chapter 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 2.76.150 of this chapter; and in all cases urging and using its best efforts to bring about compliance with its recommendations;
5. To seek or accept grants, gifts or bequests to help finance its activities.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 8(C))

2.76.150 - Complaint resolution procedures.

- A. Any person or class of persons claiming to be aggrieved by an alleged violation of this chapter 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 chapter.
- B. No complaint shall be considered unless it is filed within one hundred eighty days after the occurrence of the alleged unlawful practice, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been timely filed with either or both agencies.
- C. The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. 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.
- D. After the filing of any complaint, the Executive Director ~~Chairperson of the Commission~~ shall designate ~~the Executive Director~~ an Investigating Officer ~~or one or more of the Commissioners~~ to oversee a prompt investigation under the direction of the ~~thereof with the assistance of the~~ Executive Director and with the assistance of the staff of the Commission.
- E. If such Commissioner(s) Executive Director determines after such investigation that no probable cause exists for crediting the allegations of the complaint, ~~he or she~~ they shall promptly file a report of such findings with the Commission. One or more Reviewing Commissioner(s) designated by the Chair of the Commission shall review and sign the final investigative report. Once signed by the Reviewing Commissioner(s), the report, the findings of fact and determination contained therein shall become the findings and determination of 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.

- F. If ~~the Executive Directors~~such Commissioner(s) determines after such investigations that probable cause does exist for crediting the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from ~~the Executive Directors~~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.
- G. In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety days have passed from commencement of mediation, or if probable cause exists that a conciliation agreement has been violated, 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 the courts. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.
- H. If, upon all the evidence, the Commission shall find that a respondent has not engaged in any unlawful practice or violation of this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such respondent.
- I. If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this chapter, 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 in the district court for the judicial district in which the respondent resides, seeking fines of up to three hundred dollars, or the maximum under State law, for each such violation;
 2. Levy a civil fine of up to three hundred dollars for each such violation. Each day of any violation of this Ordinance shall constitute a separate offense. Any such penalty or penalties shall be enforced through non-criminal disposition as set forth in G.L. c. 40 § 21D;
 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.
- J. The Commission may be represented in court by the City Solicitor ~~or by its own attorneys.~~

- K. It shall be a crime punishable by a fine of not more than three hundred dollars, or the maximum under State law, per violation to commit any unlawful practice under this section and Sections 2.76.110, 2.76.120 and 2.76.130 of this chapter.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 8(D))

2.76.160 - City discrimination policy.

- A. 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, gender identity, 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 of the City.
- B. Accordingly, it is the policy of the City 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, gender identity, 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.
- C. 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.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 9(A))

2.76.170 - Applicability—Police powers.

- A. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes of this chapter, and any ordinances or portions thereof inconsistent with any provisions of this chapter shall not apply.
- B. This chapter shall be deemed an exercise of the police power of the City for the protection of the public safety, health, prosperity and welfare.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 9(B))

2.76.180 - Chapter provisions not exclusive.

- A. Nothing in this chapter shall be construed to limit civil rights granted or hereinafter afforded by the laws of the federal government or of the Commonwealth.
- B. Nothing in this chapter shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the Commonwealth

or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this chapter.

- C. Any remedies provided by this chapter shall be cumulative with any other remedies provided by local, state or federal law.

(Ord. 1016 (part), 1984: prior code Ch. 25 § 9(C))