

CDICR- Citizen Complaint Process Committee Meeting

February 17th, 2021

5:00 PM- 6:30 PM

Present: Joan Lancourt, Irving Allen, Arthur Conquest, Sandy Batchelder, Eloise Lawrence, Robert Volk, Deborah Brown, Mike Offner, Mariah Nobrega

Absent: Deborah Brown

Staff: Ann Braga, Lloyd Gellineau

Minutes

Minutes for February 3rd, 2021 were reviewed and approved.

There was continued discussion on where the CCP would send complaints if mediation or other CCP avenues were declined by the complainant, the complainant was not satisfied with the result of the CCP or the CCP was determined not the appropriate mechanism to resolve the complaint. Massachusetts Commission Against Discrimination (MCAD), the Brookline Select Board, and Human Resources were identified entities that the CCP could forward cases. There was consensus that citizen on citizen complaints would not be referred to the Select Board.

There was additional discussion regarding who would make referrals and who would report the proceedings. There was discussion about whether reports could be challenged and what would be the deadline for referrals to the identified entities.

There was consensus that referrals need to be made within 30 days of the conclusion of the mediation process or after all CPP avenues have been exhausted. It was noted that the complainant, notwithstanding a waiver of rights, can pursue alternative avenues to achieve satisfaction with the complaint and the person would not be obligated to follow the recommendation of the CCP.

There was discussion on mediation. It was noted that the mediation process needed to be facilitated by someone independent of the CCP and that the process is not done by a committee. Mediators would need to be mutual agree upon by the complainant and the accused. Reports report generated for the CCP would only share the outcome of the process and not the details of it.

There was discussion regarding procedural aspects of the CCP Hearing. These aspects in the discussion were: procedural rules; number of witnesses; time limits; right to counsel; cross-examination; confidentiality; time required to conduct a hearing; and the criteria for a hearing by the CDICR. It was recommended that discussion regarding specific aspects of procedural rules be curtailed because they need not be addressed in the warrant article. Such aspects can be addressed in policy that would be developed by the CDICR.

It was discussed that the hearings would be conducted by the CCP Committee which would be a sub-committee of the full- commission. Members within the subcommittee would be populated with individuals with an interest in processing complaints and those with skill sets/expertise in addressing complaints. Members of this subcommittee would not be obligated to be involve in other full-commission or sub-commission activities. It was noted that members of the sub-committee do not have to be all lawyers and perhaps member do not need to be Brookline residents. Having at least one lawyer would be necessary to advise on hearing processes such as issuing subpoenas and levying of fines. The Committee thought that staffing needs, training, and budget considerations for investigation and hearing processes need to be examined.

Relating to complaints about Town employees it was not clear if a CCP process could engage in a hearing without violating the employee rights to a confidential process. Further research will be necessary to address confidential considerations relating to Town staff involved with non-HR complaint processes. The delimea of the right of staff confidentiality and the public desire for transparency regarding issue of discriminatory behavior by town employees was discussed. There was discussion on what information Human Resources could provide to the CCP- hearing regarding complaints against Town employees. It was noted that the school system has a separate but similar process as the Town and that sharing information about specific school employee complaints was limited.

Regarding time frames there was consensus that an investigation would need to be concluded within 30 days of receiving a complaint and, should mediation or other CCP avenues fail to bring closure to the complainant, a CCP- hearing would need to begin within 30 days after the conclusion of mediation. Note that the 30 days deadline for a hearing would be enacted should it be determined that mediation was not an option to aid in resolving the complaint. The committee allowed for the time frames to be extended upon request. It was not determined who would evaluate and determine the outcome of such requests.

The Committee will address questions 7 and 8 at the next meeting. In addition, the Chair wanted Committee members to think about creating drafts of the CCP. The Chair thought creating two versions would be good and that some Commissioners would consider volunteering to draft them.

Next Meeting March 3rd, 2021
Meeting Adjourned

