

# Human Rights Commission Meeting

Thursday, January 22, 2015

6:30pm, Bangs Community Center

## **Agenda**

Opening/Welcome:

Agenda Review/Additions

Old Business:

Review and Approve Minutes of December 18, 2014 (6:30)

New Business:

1. Chair's Report and event/program assignments (Greg\_
2. Director's Report (Deb)
  - a. Policy against Sexual and Unlawful Harassment acknowledgment
  - b. Hiring Report and and summary of Complaints received July-December 2014
3. Member Reports (All)

**Other Business:** Any other topics the Chair did not reasonably anticipate 48 hours before the meeting

## **HUMAN RIGHTS BYLAW**

(STM – November 8, 1999 - Art. 16)

(Amended ATM – May 4, 2009 – Article 11)

1. The Town of Amherst hereby adopts a “Human Rights Policy” pursuant to which it shall be the policy of the Town that no person, public or private, shall be denied any rights guaranteed pursuant to local, state, and/or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, gender identity or expression, genetic information, lifestyle, or age.
  - a. The term “gender identity” shall include a person’s actual or perceived gender, as well as a person’s gender identity, gender-related self-image, gender-related appearance, or gender-related expression whether or not that gender identity, gender-related self image, gender-related appearance, or gender -related expression is different from that traditionally associated with a person’s sex at birth.
  - b. The term “genetic information” shall mean any written or recorded individually identifiable result of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For the purposes of this By-Law, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.
2. There shall be a Human Rights Commission (“the Commission”) of nine Amherst residents broadly representative of the community, appointed to three-year terms by the Select Board. Four members shall constitute a quorum.
3. There shall be a Human Rights Director (“the Director”) appointed pursuant to the Town Manager Act.
4.
  - a) The Commission shall advise the town, provide education and mediation to the community, and review all matters brought to its attention by the Director.
  - b) The Commission, in conjunction with the Director, shall act to promote full implementation of the Town’s “Human Rights Policy,” as set forth in this bylaw, for any and all persons coming within the town of Amherst.
  - c) The Commission shall advise and assist the Town Manager and Director in the achievement of affirmative action/equal opportunity objectives.
  - d) The Commission shall conduct and participate in educational activities related to its responsibilities.
5.
  - a) The Director shall enforce and carry out the “Human Rights Policy” adopted in this bylaw to its fullest extent.

- b) The Director shall, upon receiving a written complaint from any person or regarding matters pursuant to this bylaw otherwise brought to his/her attention, investigate promptly the circumstances of any situation within the town allegedly denying or threatening to deny in whole or in part to any person within the town, because of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, lifestyle, or age any right to which a person is entitled by law. The Director shall act as he/she deems appropriate to ascertain the facts concerning such alleged denial of rights in accordance with the procedures to be adopted pursuant to section 5 c) of this bylaw. The Director shall coordinate efforts with law enforcement in the investigation, prosecution and prevention of hate crimes. Complaints against the Town Manager shall be referred to the Select Board for appropriate action, and complaints against the Select Board shall be reported to a governmental agency having jurisdiction; the Director shall inform the chair and vice-chair or co-chairs of the Commission of all such complaints.
  - c) The Director shall, in writing, establish procedures by which such investigations shall be conducted. In establishing such procedures the Director shall consider the privacy and other rights of the complainant, respondent, and witnesses in light of the Public Record Law, Massachusetts General Laws, Chapter 4, Section 7, Clause 26, and Chapter 66, Section 10, the right against self-incrimination, and the right to due process of law. Any such procedures shall be approved by the Town Manager prior to their implementation.
  - d) The Director shall, thereafter, make such efforts (including conciliation conferences) as he/she deems reasonable and appropriate to resolve, by voluntary action on the part of those persons involved, the situation giving rise to the investigation.
  - e) If such voluntary action is not forthcoming or is deemed by the Director to be inadequate, the Director shall, after notice to all persons involved, report the matter to the Town Manager, the Select Board, local or state police on any matter within their jurisdiction, respectively, the Massachusetts Commission Against Discrimination, the Office of the Attorney General, the United States Department of Justice, or any other governmental agency having jurisdiction of the matter in question.
6. No less than twice per year, the Director, in conjunction with the Town Manager, shall inform the Commission of his/her activities, and the Commission shall provide input on those activities and other matters of concern to the Commission.
7. The Commission, in conjunction with the Director, shall annually prepare and submit a report on "The State of Human Rights in Amherst" with such recommendations as it deems appropriate concerning matters within its charge. The Commission shall furthermore, as part of its review function, submit reports and recommendations to the Select Board and/or Town Meeting and/or civil rights agencies outside of Amherst as it deems necessary. Said reports shall take reasonable precautions to protect the privacy interests of all parties involved.

Mission of the Human Rights Commission

	<p><b>"Human Rights for Every Person Everywhere"</b></p>	<p><b>Contact Us:</b> Town Hall 4 Boltwood Avenue humanrights@amherstma.gov Phone: 413-259-3009 Fax: 413-259-2404 Monday - Friday 8:00AM - 4:30PM</p>
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**Our mission:**

To ensure that no power goes unchecked, and that all citizens are afforded equal protection under the law.

The Human Rights Commission shall act to promote the Town of Amherst's Human Rights Policy, to insure that no person, public or private, shall be denied any rights guaranteed pursuant to local, state, and/or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, lifestyle, or age for all persons coming within the Town of Amherst.

The Commission shall advise the Town and assist the Town Manager and Human Resources and Rights Director in the achievement of affirmative action/equal opportunity objectives, conduct and participate in educational activities related to its responsibilities, provide mediation, and review matters brought to its attention.

In conjunction with the Director, the Commission shall annually prepare a report of the State of Human Rights in Amherst with such recommendations as it deems appropriate concerning matters herein, taking reasonable precautions to protect the privacy of all involved parties.