HUMAN RIGHTS COMMISSION
Rights Violation Response Subcommittee

COMPLAINT INVESTIGATION PROCEDURE
October, 2026

I. PURPOSE & APPROACH

This document establishes the process by which the Human Rights Commission (HRC) investigates human rights complaints, in accordance with its functions as described in Division 6, Sec.2-242, Paragraphs (b) and (c) of the Somerville City Ordinance. The HRC is tasked with investigating complaints alleging human rights violations by Somerville residents and with initiating investigations into circumstances that appear to unlawfully discriminate against city residents.

The procedures outlined here rely on voluntary cooperation and strive to ensure transparency and impartiality. Compulsory measures (e.g., subpoenas) are reserved for cases within the HRC's purview as reviewed by the City Law Department and where a respondent fails to cooperate.

The HRC believes in repairing harm rather than only finding fault; where possible, we will encourage parties to a complaint to engage in processes that will enhance the long-term health of the Somerville community, including through mediation, dialogue, restorative justice or transformative justice practices.

The HRC will endeavor to ensure that all steps of the complaints receipt, review and investigation process are accessible by providing appropriate accommodations for persons with disabilities in accordance with the Americans with Disabilities Act (ADA), as well as translation and interpretation services for individuals with limited English proficiency (LEP) through City-provided language access services.

The HRC has appointed its Rights Violation Response Subcommittee (SUBCOMMITTEE), to carry out the investigative function. The members of the Subcommittee are assigned in January, but may rotate as agreed by the HRC Commissioners. Therefore, acting members of the subcommittee serve at the discretion of co-chairs and the co-chairs may unanimously appoint interim members to ensure the investigative function.

The Full Commission will review the report of findings and recommendations of the Subcommittee and vote to adopt or amend those findings and recommendations before a report is final. The Full Commission will also participate in any appeals filed regarding a complaint.

II. DEFINITIONS

Commission: The Somerville Human Rights Commission, acting through a quorum at a properly noticed meeting.
Commissioner: An individual member of the Commission.
Co-Chairs: The two co-equal Chairs of the Commission, jointly responsible for its administration.
Subcommittee: The Rights Violations Response Subcommittee of the Commission, which carries out the investigative function on the Commission's behalf.

Designated Investigator: A single member of the Subcommittee assigned to a complaint to conduct interviews, gather documents and prepare the draft report**.**
Complainant: The person or entity filing a complaint.
Respondent: The person or entity alleged to have violated human rights.
Witness: A person, other than the Complainant or Respondent, who provides information relevant to a complaint.
Law Department: The City of Somerville Law Department, headed by the City Attorney.

III. SCOPE

The HRC, through the Subcommittee, investigates complaints from members of the public that are received through the online Human Rights Complaint Form (Online Form) on the City of Somerville Website, as well as complaints emailed directly to the HRC or to a Commissioner of the HRC.

The HRC, through the Subcommittee, investigates allegations that a person or entity has violated the human rights of a Somerville resident through discrimination, harassment, or related conduct. While investigations may be conducted of violations committed by persons who do not reside in Somerville, the HRC and SUBCOMMITTEE may have more limited influence or power over non-residents than residents.

The Subcommittee operates on behalf of the full HRC but independently of other bodies and agencies and may investigate complaints involving private individuals, businesses, and organizations, as well as city departments and officials.

When possible, the HRC and the Subcommittee will endeavor to repair harm through dialogue, mediation, or transformative or restorative justice practices.

Where appropriate the Subcommittee, with notice and consent of the complainant and the full HRC, will REFER rights violations to other agencies or municipal or state bodies, such as:

- Massachusetts Commission Against Discrimination
- Massachusetts Attorney General's Office
- Greater Boston Legal Services
- Mass Legal Help
- MA Law Reform Institute
- Community Dispute Resolution Center
- Other relevant departments or bodies, such as but not limited to the Fair Housing Commission, Somerville Commission for Persons with Disabilities, Somerville Commission for Women, Council on Aging, Health and Human Services, Somerville Public Schools, and Somerville Office of Immigrant Affairs.

Where a complaint is not resolved between the parties or REFERRED, the Subcommittee will document a finding based on its investigation as outlined below.

Findings by the Subcommittee will be presented to the full HRC for review and adoption or amendment before being shared with the complainant and respondent. The investigation report may be appealed to the Full HRC; the finding following any appeal is final.

IV. INTAKE AND INITIAL REVIEW

A. Complaint Filing

A complaint shall be submitted in writing and should include:

(1) the name and contact information of the complainant;

(2) the name and identifying information of the person(s) or entity alleged to have violated human rights if known;

(3) a description of the alleged violation;

(4) the date(s) and location(s) of the alleged violation if known ; and

(5) the names of any witnesses.

Complaints may be submitted using the online form on the City's website (location TBC), by personal email to one of the HRC's commissioners or to the HRC email address (hrc@somervillema.gov).

Complaints submitted verbally or by phone to one of the commissioners should be documented in writing capturing the information listed above and sent by email to hrc@somervillema.gov to ensure they are recorded.

While complaints may be filed anonymously, the HRC's ability to respond to or investigate anonymous complaints will be limited.

B. Notification of Receipt & Information Gathering

For complaints received by email or online form, the Subcommittee will respond to the complainant within 15 business days, confirming receipt, providing guidance on how the complaint will be investigated and requesting additional information, documentation or evidence, including:

(1) A detailed statement from the complainant;
(2) A statement or response from the respondent (if provided);
(3) Statements from witnesses identified by the complainant or respondent;
(4) Relevant documents (emails, messages, photos, policies, records); and
(5) Any other evidence relevant to the allegation(s).

C. Initial Screening

The Subcommittee shall review the complaint to determine whether it falls within the HRC's purview and whether the alleged facts, if proved, would constitute a violation of human rights.

The Subcommittee may refer a complaint to another city or state agency if it falls outside its jurisdiction, or may DISMISS a complaint that is frivolous, or not supported by sufficient facts or documents.

D. Conflicts of Interest and Recusals

A. Commissioners are subject to M.G.L. c.268A (the conflict of interest law) and shall comply with all applicable provisions of that law.

B. A Commissioner shall recuse themselves from all aspects of a complaint, including intake, investigation, deliberation and review, if:

(1) the Commissioner, an immediate family member or a business associate is the complainant, the respondent or a witness;

(2) the Commissioner has a financial interest in the outcome; or

(3) if otherwise required by M.G.L. c. 268A. .

C. If a reasonable person would question the Commissioner's impartiality for any reason, the Commissioner must file any disclosures to the extent required by M.G.L. c 268A. When a disclosure is required by law, the Commissioner must notify the Co-Chairs of such disclosure and provide a copy of the disclosure to the Co-Chairs, who may determine in their discretion that the circumstances warrant recusal, regardless of whether state law requires recusal. If one of the Co-Chairs is the Commissioner in question, the other Co-Chair decides.

D. Complaints Against a Commissioner. A complaint naming a sitting Commissioner as respondent shall be delivered to the Co-Chairs (or the remaining Co-Chair, if one of them is named) and to the Law Department before any Subcommittee action. Absent a Commission vote to the contrary, such complaints shall be referred to an outside body under Section III (SCOPE) rather than investigated internally.

E. If recusals leave the Subcommittee without enough members to act, the non-conflicted Co-Chair(s) shall assign a non-conflicted Commissioner to serve on the Subcommittee for that complaint. If both Co-Chairs are conflicted, the assignment shall be made by the Commission by vote.

V. INVESTIGATION AND VOLUNTARY COOPERATION

A. Notice to Respondent

If applicable, the Subcommittee shall send written notice to the respondent (the person or entity alleged to have violated human rights) that a complaint has been filed. The notice shall include:

(1) A summary of the allegation(s);

(2) An invitation to provide a written statement or to meet with the Subcommittee;

(3) a response deadline of not less than 14 days;

(4) An explanation of the SUBCOMMITTEE'S investigation process; and

(5) Contact information for the SUBCOMMITTEE.

When no Respondent is identified, or if the Responsible party is unknown, the incident will still be investigated as described below and documented for inclusion in a broader assessment of trends and patterns of human rights violations in Somerville.

B. Voluntary Statements and Interviews

The Subcommittee shall request voluntary statements and interviews from the respondent, complainant, and potential witnesses. Statements may be provided in writing or through an in-person or phone interview conducted by the Subcommittee.

Interviews shall be conducted in a professional manner, with questions limited to information relevant to the alleged violation. Individuals being interviewed may bring legal counsel to advise them (though counsel need not be present).

Interview and investigation notes will be retained and filed along with the complaint record.

C. Document Requests

The Subcommittee may request relevant documents and records from the respondent, witnesses, or other parties. Requests shall be specific and limited to information relevant to the investigation. Respondents are asked to comply voluntarily within a specified timeframe (not less than 10 days).

Relevant documents will be retained and filed along with the complaint record.

D. Confidentiality During Investigation

The Commission cannot as a matter of law guarantee the confidentiality of any concerns, complaints, or questions brought to its attention, as all records received by the Commission, including those received at meetings, and all meetings of the Commission, are subject to the requirements of the Public Records and Open Meeting Laws.

In the event a complaint is made to or filed with the Commission outside of a public meeting, the Commission shall, to the extent possible and consistent with law, protect the privacy of the complainant and any person(s) named in the complaint. In furtherance of this purpose, the Commission shall designate one member, on a rotating basis, to be available to meet or speak individually with complainants.

The Commission reserves the right to seek to REFER a concern, complaint, or question concerning a potential crime, after notice and approval of the person bringing the same to the attention of the Commission, if possible, to appropriate local, state or federal law enforcement authorities.

In the event that one party is not cooperative with the investigation and the investigation requires that party's participation, the complaint will be concluded in DEFAULT.

E. Prioritization of Repair, Mediation And Transformative Justice

As a body focused on Human Rights, the Subcommittee will endeavor to bring parties together as members of a single community, to acknowledge harm and identify opportunities for direct engagement and communal repair. This requires the assent of all parties to the complaint.

If agreed, the HRC may engage support of mediation centers and specialists in community dialogue or transformative justice to accomplish this goal.

Complaints that move towards a mediation or other resolution process will be closed with AGREEMENT.

In cases that the parties are unwilling to undergo mediation or dialogue, or if the mediation effort fails, the HRC will continue its investigation and conclude a finding on the case that documents harm done and makes recommendations for remediation outside the purview of the HRC.

VI. ESCALATION TO COMPULSORY PROCESS

A. When a Subpoena May Be Issued

If a respondent or witness fails to provide a voluntary statement or fails to comply with a document request, the Subcommittee may request a vote of the Full HRC to issue a subpoena to compel attendance and/or production of documents if the matter falls under Sec.2-237 of the City Ordinances. A subpoena shall be issued only if:

(1) A reasonable written request for the information or testimony was made;

(2) The respondent or witness was given a reasonable opportunity to comply (not less than 14 days);

(3) The respondent or witness failed or refused to comply;

(4) The Full HRC voted to authorize the subpoena; and

(5) The Office of the City Attorney approved legal sufficiency of the subpoena.

B. Subpoena Procedures

Subpoenas shall be drafted in consultation with the City of Somerville Office of the Attorney, and shall specify:

(1) the date, time, and location of appearance;

(2) the documents or testimony sought;

(3) the name and contact information of the SUBCOMMITTEE Chair or designated representative; and

(4) notice that the witness may bring legal counsel. Subpoenas will only be issued if approved as to legal sufficiency by the Office of the City Attorney.

C. Witness Rights at Subpoenaed Appearance

A witness who is subpoenaed shall have the right to:

(1) Be represented by legal counsel of their choice;

(2) Be questioned only on matters relevant to the alleged violation;

(3) Assert legal privileges (attorney-client, physician-patient, etc.);

(4) Receive a copy of any written summary or findings based on their testimony; and

(5) Know the purpose of the investigation and how their testimony will be used.

D. Recording and Documentation

Subpoenaed testimony shall be audio recorded. A written summary or transcript shall be prepared and retained with the investigative file. The witness shall be informed of the recording at the start of the session.

E. Non-Compliance with Subpoena

If a witness fails to appear after service of a subpoena, or refuses to answer relevant questions without asserting a valid legal privilege, the Subcommittee may petition the District Court or Superior Court for enforcement of the subpoena.

VII. FINDINGS AND CONCLUSION OF INVESTIGATION

Upon completion of the investigation, the SUBCOMMITTEE shall prepare a written report that:

(1) Summarizes the allegation(s);

(2) Summarizes the evidence collected;

(3) States whether, based on the evidence, there is reasonable cause to believe a violation of human rights occurred; and

(4) States whether, based on the evidence, the respondent was AT FAULT or if there was NO FAULT

(5) Recommends next steps (if any), which may include REFERRAL to another agency, third party mediation, or other remedial action.

The Subcommittee shall present the written report to the full Human Rights Commission, and the full HRC will vote to accept the findings and recommendation contained therein, or recommend edits or revisions to the report.

Following the vote of the full HRC and any required edits or revisions, the Subcommittee will notify the complainant and respondent of the outcome of the investigation in writing.

VIII. APPEALS

A) Procedure for Filing Appeal of Report

Upon receipt of the final report, any party objecting to the findings or recommendations of the Report may request a review by the Full Commission within fourteen (14) days of the issuance of the report by submitting a request and supporting memorandum.

Within fourteen (14) days of such filing, a brief opposing the appeal may be filed by an opposing party in response to the appeal. No further response will be entertained unless allowed or requested by the Commission or the Chairperson. Any party filing such a request for review shall serve copies upon all other parties.

B) Waiver of Objections

A party that does not request review within the applicable fourteen (14)-day period may be deemed to have waived further review of the findings, conclusions and recommendations, except as otherwise permitted by applicable law.

C) Request for Review Shall Contain

1. The briefs on appeal shall contain:
    a. a short statement of the case;
    b. a summary of the basic positions of the party filing;
    c. the grounds upon which the appeal rests; and
    d. the arguments in support of the appeal with appropriate references to the record and legal authorities.
2. The requesting party may also identify additional evidence or information that it believes should be considered and explain why that information is relevant to the review, as well as proposed findings and conclusions as an alternative to the original report.

D) Response to Request for Review

1. The opposing party may submit a written response within fourteen (14) days of receiving the request for review.

E) Review by the Commission

Within sixty (60) days following the filing of any request for review, the Commission shall review the matter on the entire record including previously filed briefs and objections. The Commission may remand the matter to the Subcommittee for the taking of further evidence.

F) Action by the Commission

The Commission may retain the findings of fact from the original report or revise any findings which it determines to be erroneous in light of new evidence. The Commission may adopt or modify the recommendations contained in the original report in light of new evidence. Whenever the Commission modifies the findings or recommendations of the original report, it shall state the reasons therefore in its vote and in a memorandum.

G) Final Orders

1. Final Order if No Review

If no request for review has been received by any party and the Commission initiates no review within twenty-eight (28) days of the Subcommittee's Final Report, the Subcommittee's Report shall be submitted to the full Commission for final vote.

2. Final Order After Review

In the case of review by the full Commission, the Commission shall issue its final order and provide copies to the Complainant and Respondent. The final order shall include findings of fact, conclusions of law and the disposition of the matter. If the Respondent is found liable for a violation, the order shall provide that relief may be sought forthwith through one or more of the actions as permitted by law. If the Respondent is not found liable for a violation, the order shall so state and shall state that the case is thereby DISMISSED.

IX. PROCEDURE REVIEW AND AMENDMENT

This procedure shall be reviewed annually and may be amended by vote of the Full Commission at a noticed meeting to ensure consistency with applicable law and best practices in civil rights investigations, in consultation with the Law Department where an amendment affects legal process.

X. DOCUMENT RETENTION, INCIDENT TRACKING & REPORTING

The HRC will retain records of complaints, violations, evidence, investigations and related material for at least seven years following the original complaint.

Documents will be maintained online in a secure location. Final Orders are considered common property and digital copies may be hosted by the City. All other records are not deemed accessible to the public, for by their sensitive nature they are subject to restriction. They may be retained under the exclusive care of the Commission in accordance with the ordained rights, privileges, and responsibilities of the Commission as an autonomous body.

Case materials will be used by the HRC to track trends in the city; this will include categorizing cases according to:

1. Type of complaint
2. Protected characteristic, group, or identity alleged to have been targeted, where voluntarily provided and appropriate to record
3. The date & time of the incident
4. The location of the incident alleged in the complaint
5. Whether or not the complaint was substantiated
6. Whether or not the case was investigated
7. The outcome of the investigation