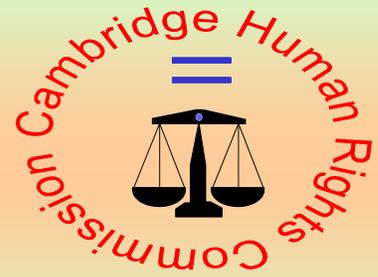


# CAMBRIDGE HUMAN RIGHTS COMMISSION



## DATELINE

*Newsletter of the Cambridge Human Rights Commission*



# FALL 2005



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### SAY HELLO TO OUR LAW INTERNS

As in the past, the Cambridge Human Rights Commission hired two law students this summer and they will continue to work with us this fall. Both Darren Hojnacki and Wells Wilkinson attend New England School of Law. They have been learning all the details in discrimination law and have had the opportunity to work on cases from intake to mediation. You're welcome to come by the office to greet them and meet the staff.



Darren  
Hojnacki



Wells  
Wilkinson

### **Cambridge City Council**

Michael A. Sullivan, *Mayor*  
Marjorie Decker, *Vice Mayor*  
Henrietta Davis  
Anthony D. Galluccio  
David P. Maher  
Brian Murphy  
Kenneth E. Reeves  
E. Dennis Simmons  
Timothy J. Toomey, Jr.

### **City Executive Administrators**

Robert W. Healy, *City Manager*  
Richard C. Rossi, *Deputy City Manager*

### **CHRC Staff**

Quoc M. Tran  
*Executive Director*  
Carmen S. Negrón  
*Office Manager/ Project Coordinator*  
Sonja DeWitt  
*Investigative Attorney*  
Joseph Johnson  
*Outreach Coordinator*  
Darren Hojnacki  
Wells Wilkinson  
*Law Interns*

### **CHRC Board of Commissioners**

Marla Erlien, *Chair*  
Barbara Siegel, *Vice Chair*  
Mercedes Evans  
Barbara Rabin  
Randa Shedid  
Monroe Engel  
Susan Ostrander  
Charles Kavanagh  
Daniel Klubock  
William Donovan

## **AN INTERN'S YEAR**

By Darren Hojnacki

In September 2004 I began working for the Cambridge Human Rights Commission as part of a law school mediation clinic. For that fall I worked two days a week for about ten hours. Although the New England School of Law's clinic was in mediation I found that I learned a great deal more about discrimination law. Sonja DeWitt, my supervisor, had quite a bit of patience in allowing me to get up to speed in employment discrimination cases. But after a few weeks I began investigating my own cases. During the fall I had the opportunity to observe Ms. DeWitt's fact-finding conferences, an impromptu mediation, and a dual mediation conducted by two Commissioners (Barbra Rabin and Mercedes Evans).

Upon finishing the semester I was offered a part time job as an investigator with the commission by the Executive Director Quoc Tran. The spring of 2005 brought about more independence for me in investigating. I began holding my own fact-finding conferences at this time. By the summer I was mediating. During the summer Wells Wilkinson, a fellow intern, and I worked together on fact-findings and mediations. In school I was taught from the perspective of conducting such meetings individually. I saw the benefit of working with another while observing the dual mediation in the fall. The extra set of eyes, ears, and the additional perspective is immensely beneficial to the process. Working in tandem allows for a more thorough investigation.

The high point of the last year came from working on an employment disability discrimination complaint. The complaint was filed late last year and assigned to me to investigate. The case had a life of its own. At first I was not sure that the complainant's allegations could be corroborated. But after the position statement, rebuttal, speaking with witnesses and several conversations with the respondent the allegations began to coalesce. I mentioned the possibility of mediating early on to the parties but it was only after the investigation was in full swing and they (the parties) learned of each other's evidence that they took mediating seriously.

Initially, the parties were exceedingly far apart on a settlement amount. Over the telephone, I was able to focus in on what the money would compensate for (emotional distress, lost wages, etc). Though they were still far apart I thought it was time to schedule a mediation session with Sonja DeWitt. Ms. DeWitt spent nearly five hours with the parties. In the end Ms. DeWitt was able to bring the parties to an agreement. The complainant would receive nearly a quarter of a million dollars. In the end, a complaint I initially thought would be difficult to corroborate, turned out to be, thanks to the work of Ms. DeWitt, the largest settlement in our offices history.



## Highlights of Recently Closed Cases by the Cambridge Human Rights Commission



- The city's Human Rights Commission has been successful in mediating an employment case based on disability that settled for almost \$250,000. The largest settlement in the 21-year-old commission's history. The case involved a disabled employee who was laid off and replaced by someone who wasn't disabled. The company settled the case before the Commission reached a determination, but denied any wrongdoing. They claimed that they had terminated him along with others because of a company-wide reduction in force. The company agreed to provide reasonable accommodation for the disabled.
- In a recently closed housing case, a Complainant claimed that he had been discriminated against by other residents at a shelter and started problems with him because of his race and sexual orientation. He had an altercation with one of the residents and was evicted from the shelter. He claims that a staff person lied and said he had attacked the white resident first without provocation. He also stated that this staff person was present when the white residents made some discriminatory comments regarding his race, such as that he should go back to Africa and that slavery wasn't so bad and the Irish had it worse. Complainant stated that the staff person deliberately lied about the incident because of his discriminatory attitudes towards him because Complainant is black and heterosexual. Respondent denied that the staff would allow such harassment or comments. The shelter has a strict no-violence policy. The evidence showed that Complainant was the one who initiated the attack and that's why the white resident wasn't barred from the shelter as well. Respondent also showed proof that since January 2002 they had barred three other residents for engaging in physical violence and all three were white. After concluding our investigation, the Commission made a recommendation to the U.S Department of Housing and Urban Development and to the Massachusetts Commission Against Discrimination of lack of probable cause finding.
- A Complainant who has a 2-year-old son with a disability alleged that the Respondent was denying her son a reasonable accommodation. She had requested that her building management install window guards to prevent her son from falling out of their upper floor apartment, because her son cannot perceive the danger and likes to climb. She also requested corner guards to protect him from sharp edges and exposed plaster in the wall. She stated that the landlord did not adequately provide window guards for approximately eight months, and that they refused to provide corner guards for eleven months. The Complainant provided evidence that two social workers had actively assisted her in making the requests.

In addition, the Complainant requested to be moved to a lower floor apartment, to mitigate the risks upon her disabled son. According to Complainant, the landlord refused to transfer her because they were concerned that she would not maintain the apartment.

The Respondent landlord alleged that all requests for reasonable accommodation were complied with promptly, and that that no lower floor apartments were or would be expected to be available, due to the evidence of a low turn-over rate for apartments for families on lower floors.

In this housing case the Commission had a split determination. Based upon the available evidence, the Commission concluded that Respondent's failure to provide the requested window guards and corner guards in a timely manner was a denial of Complainant's reasonable accommodation. In regards to the transfer to a lower floor, the investigation found insufficient evidence to show that the Respondent's inability to comply with the transfer request was motivated by discrimination, and not the lack of available units. Therefore the agency found lack of probable cause on this issue.

- In an employment case, the Complainant, whom is African-American claimed he was passed over for a promotion. He stated that there was a position he was well qualified for and it was quickly given to a Caucasian man without allowing him the opportunity to apply for it. He's a manager who was later laid off while two Caucasian managers were retained. Respondent showed evidence that the Complainant had been previously given two promotions he applied for (to supervisor and to manager). Respondent also stated that the position in question was given to a more qualified candidate who had a degree and that Complainant didn't have as much experience or a degree. Respondent rebutted the claim that Complainant had been laid off because of his race, while two Caucasian employees had been retained. They showed evidence that the reason for laying off Complainant was due to a company wide restructuring of their three facilities and that the two employees retained had more experience in management than the Complainant. There were other positions that were eliminated as well. Even though Complainant presented evidence that his responsibilities as manager were similar to the other two, he failed to show evidence that he was more qualified. Because there wasn't sufficient evidence that Respondent's actions were a pretext of discrimination, the Commission made a recommendation of lack of probable cause.
- Another employment case involved a Complainant who worked in a Nursing Home as a nurse's aide. He alleged discrimination because of his race when he was terminated for not responding to a patient's call bell and for allegedly sleeping on the job. While the Complainant denied ever sleeping on the job in his 7-11 shift, two of his supervisors had frequently observed him sleeping during his work hours. After repeated incidents the Respondent found it necessary to terminate him to protect the safety of the patients. Complainant didn't present sufficient evidence to rebut Respondent's claim therefore a lack of probable cause finding was recommended.

**For more information on the Commission you can log onto our website at [www.cambridgema.gov](http://www.cambridgema.gov) or call us at 617-349-4396 to request a brochure or to file a complaint if you feel you have been discriminated against.**



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# 12<sup>th</sup> ANNUAL NATIONAL FAIR HOUSING MONTH CELEBRATION

The City of Cambridge's Human Rights Commission sponsored a Poster and Essay contest, on the theme "If Humankind Was Created Equal; Why Not Create Equal Housing Opportunities?" which culminated with an Award Ceremony, held on Tuesday, April 26, 2005 at City Hall. The Hon. Mayor of Cambridge, Michael A. Sullivan opened the ceremony by welcoming everyone. Quoc Tran, Executive Director of the Cambridge Human Rights Commission introduced special guests including some City Councilors, City Officials, Human Rights Commissioners, Presidents from sponsoring banks, and Ms. Marcela Brown, HUB Director of FHEO from the U.S. Department of Housing and Urban Development. He also introduced the Master of Ceremonies, Mr. Eric Johnson and his twin brother Mr. Ulric Johnson who was the Guest Speaker of the night. Quoc also commended his Office Manager/Project Coordinator, Carmen S. Negrón, for taking charge of planning and coordinating this event from beginning to end every year. Cambridge Savings Bank President, Kevin J. Fitzgerald, helped hand out the awards to the winners. Mr. Ulric Johnson gave a very inspiring speech and Eric Johnson captivated the audience.

Every year the Cambridge Human Rights Commission staff offers training on Fair Housing Laws and encourages Cambridge school students in grades 6-8 to participate in the contest. Our goal is to educate students at an early age to increase their awareness and understanding of the housing laws that protect them and their families. Top prizewinners are awarded U.S. Savings bonds that are donated by *Cambridge Savings Bank, East Cambridge Savings Bank and Cambridge Trust Company*. Each year the banks also donate T-shirts for all participants. **Encourage your kids to participate in next year's contest.** Besides receiving prizes, it's an educational experience for them. **Many thanks to the banks and the following businesses for their support and generous donations:** *Harvard Coop, Boston Duck Tours, Old Town Trolley, Izzy's Restaurant, ABC Pizza House, Blockbuster, Cambridgeside Galleria, Pizzeria Uno, Lanes and Games, and Toscanini's Ice Cream.*



# This Year's Fair Housing Poster Contest

## First Prize Winners



**Tina Su**



**Kirby Pendergast**

## CONGRATULATIONS TO ALL THE WINNERS

### *1<sup>st</sup> Prize*

**TINA SU**

Kennedy-Longfellow, 6<sup>th</sup> Grade

**KIRBY PENDERGAST**

Graham & Parks, 8<sup>th</sup> grade

### *2<sup>nd</sup> Place*

**SIRA FATI**

Kennedy-Longfellow, 6<sup>th</sup> grade

**CHLOE THOMAS**

Graham & Parks, 8<sup>th</sup> grade

### *3<sup>rd</sup> Place*

**LUKE POIRER**

Graham & Parks, 7<sup>th</sup> grade

**ZENIA BONILLA**

Kennedy-Longfellow, 7<sup>th</sup> grade

### *4<sup>th</sup> Place*

**MARLEES WEST**

Haggerty, 6<sup>th</sup> grade

**JENNA SPENCER**

Graham & Parks, 7<sup>th</sup> Grade

### *5<sup>th</sup> Place*

**MICQUEEN CLERGER**

Haggerty, 6<sup>th</sup> grade

**MARY ESTRADA**

Cambridgeport, 6<sup>th</sup> grade

### *6<sup>th</sup> Place*

**NICOLE SONNERT**

Graham & Parks, 7<sup>th</sup> grade

**JUSTIN PAQUETTE**

Kennedy-Longfellow, 6<sup>th</sup> grade

### HONORABLE MENTION:

Widline Charles	G&P	8	Jared March-Murrell	Fletcher-Maynard	8
Gaby Robb	Cambridgeport	6	Fabine Jonathas	Fletcher-Maynard	8
Jazmine Weathers	Cambridgeport	6	Bridget Bell	Fletcher-Maynard	8
Luke Dowley	Cambridgeport	6	Tarik Gessess	Kennedy-Longfellow	6
Diana Cowdrey	G&P	8	Katrina A. Cooper	Kennedy-Longfellow	6
Karina Moz	G&P	7	Nace Cohen	G&P	7
Lovely Elysse	G&P	8	Linnea Russell	Cambridgeport	6
Daniel Joseph	G&P	7	Amanda Barbosa	Fletcher-Maynard Acad.	8
Rachelle Leger	G&P	7			
Jazmin Impastato	G&P	8			
Kiah Crary	G&P	7			

# 2005 Fair Housing Month Celebration Photos



## In A World Full of Acronyms

If you see the acronyms CHRC, MCAD, HUD, EEOC, MAHRC, CHA or FEMA would you know what they mean? If not, see the meaning below:

CHRC = Cambridge Human Rights Commission

MCAD = Massachusetts Commission Against Discrimination

HUD = U.S. Department of Housing and Urban Development

EEOC = Equal Employment Opportunity Commission

MAHRC = Massachusetts Association of Human Relations Commissions

CHA = Cambridge Housing Authority

FEMA = Federal Emergency Management Agency



The Cambridge Human Rights Commission does not discriminate on the basis of disability. The CHRC will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon request. Our office is wheelchair accessible, and the TTY phone number we can be reached at is 617-492-0235.



*Newsletter Produced by: Carmen S. Negrón*



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R  
C

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