

# How Does the MCAD Process Work?

A charge of discrimination should be filed at the Massachusetts Commission Against Discrimination (MCAD) offices. If you believe you have been discriminated against, you should come to the MCAD immediately to file a complaint. In all but a few exceptions, the MCAD cannot accept complaints based on incidents over 300 days old. If you are disabled and unable to file a complaint in person, you may schedule a phone interview with us at any of our offices. For housing complaints, please call our main line and select the housing information line.

## Filing a Complaint

A person wishing to file a complaint with the MCAD is known as the "Complainant." Upon arriving at the MCAD, you (the complainant), are interviewed by an Intake staff person. This is a private consultation.

## The Intake Office

Once an initial determination has been made that the MCAD has jurisdiction over a particular case, you meet with an Investigator to "tell your story." The Investigator uses the facts gathered from this discussion to draft a formal, written complaint. A copy of the complaint is sent to the person or organization, known as the "Respondent," against whom the complaint has been filed.

## Investigation

The MCAD first obtains a statement from the Respondent which outlines their position regarding the complaint. Shortly thereafter, a meeting is usually held at the MCAD that brings together the Complainant and the Respondent. The purpose of the meeting is to gather information surrounding the complaint and to discuss the possibility of a voluntary resolution of the complaint. If a Resolution is not reached, the Investigator will continue to gather information by interviewing witnesses, obtaining documents, making visits to the place of employment, apartment or other appropriate on-site visits.

## Determination

At the conclusion of an investigation, the Investigating Commissioner will make a formal determination of either Probable Cause or Lack of Probable Cause.

- **Probable Cause (PC)** means that the MCAD has found sufficient evidence to support a conclusion that unlawful discrimination may have occurred. The case then proceeds to the next step in the process.

If Probable Cause is found, efforts at resolution between the Complainant and the Respondent are attempted. If the parties are unable to resolve the dispute, the case goes to Public Hearing.

- **Lack of Probable Cause (LOPC)** means that the MCAD did not find sufficient evidence to support a conclusion that unlawful discrimination occurred. A Complainant has a right to appeal a determination of Lack of Probable Cause within 10 days of receiving the decision. The Investigating Commissioner holds an informal hearing and the Complainant has an opportunity to explain why he/she believes the determination was wrong.

The Commissioner may uphold the determination, send the case back for further investigation, or reverse the finding (make a PC determination). If the determination of LOPC is sustained, the case is closed and goes no further at the MCAD.

## Public Hearings

A Public Hearing is a formal proceeding at which witnesses testify under oath before one of three MCAD Commissioners. The Commissioner serves as the judge and reviews testimony and documents submitted at the Hearing. Complainants and Respondents can hire an attorney to represent them at the Hearing. When the Complainant does not have an attorney, a MCAD lawyer will prosecute a case on behalf of the Commission.

## Decisions

The Commissioner reviews legal briefs submitted at the end of the Public Hearing and issues a decision either in favor of the Complainant or the Respondent. If the MCAD finds in favor of the Respondent, the case is dismissed. If the decision is in favor of the Complainant, the MCAD may order any one of a number of remedies. In employment cases this may include awards of back pay and emotional distress damages or in housing cases this may include monetary damages reflecting housing expenses incurred and emotional distress damages. In both employment and housing cases the MCAD has the authority to assess reasonable attorney fees and costs.

## Frequently Asked Questions

### 1. Where are the MCAD offices located?

The MCAD has four offices. They are located in Boston, New Bedford, Springfield, and Worcester.

### 2. How do I get there?

#### **Boston Office:**

The Boston office is located at the John McCormack Building, 1 Ashburton Place, Room 601, Boston, MA 02108.

*From Government Center (Green & Blue Lines):*

Go northwest on Court Street towards Cambridge Street. Turn left onto Cambridge Street, which immediately becomes Tremont Street. Turn right onto Beacon Street, and then right on Somerset Street. One block up there is a tall building on your left with large tinted windows. This is 1 Ashburton Place, and the office is on the sixth floor.

*From State (Blue & Orange Lines):*

Go up the hill on School Street, which becomes Beacon Street. Turn right onto Somerset Street. One block up there is a tall building on your left with large tinted windows. This is 1 Ashburton Place, and the office is on the sixth floor.

*From Park Street (Red & Green Lines):*

Walk up Park Street towards the State House (gold dome). In front of the State House, turn right onto Beacon Street. Take the first left onto Bowdoin Street. One block up there is a tall building on your right with large tinted windows. This is 1 Ashburton Place, and the office is on the sixth floor.

*For driving directions,* please consult our web site: [www.mass.gov/mcad](http://www.mass.gov/mcad). Please note that parking is very expensive in the area, so public transportation is recommended.

#### **New Bedford Office:**

The New Bedford Office is located at 800 Purchase St., Room 501, New Bedford, MA 02740. For driving directions, please consult our web site: [www.mass.gov/mcad](http://www.mass.gov/mcad).

#### **Springfield Office:**

The Springfield office is located at 436 Dwight Street, Room 220, Springfield, MA 01103. For driving directions, please consult our web site: [www.mass.gov/mcad](http://www.mass.gov/mcad).

#### **Worcester office:**

The Worcester office is located at Worcester City Hall, 455 Main Street, Room 101, Worcester, MA 01608. For driving directions, please consult our web site: [www.mass.gov/mcad](http://www.mass.gov/mcad).

### 3. What are your hours?

The MCAD offices are open from 9:00 a.m. to 5:00 p.m., Monday through Friday (except the Boston office, which opens at 8:45 a.m.). Complaints are taken from 9 a.m. to 4 p.m. It is best to arrive early to avoid a long wait.

### 4. What should I bring with me?

Bring any relevant names, addresses, or telephone numbers; witnesses' names; and any other paperwork that will help us investigate and establish your allegation of unlawful discrimination. Come prepared to provide the date(s) the alleged discrimination occurred.

**For an employment case:** Bring your employer's name, address, the approximate number of employees, and the name of the parent company, if applicable.

**For a housing case:** Supply the landlord's or property manager's name, the real estate company's name, or the real estate agent's name, if applicable.

**For public accommodations:** Bring the name of the owner or manager of the establishment.

### 5. Are there Federal agencies that protect my rights in employment and housing?

The Equal Employment Opportunity Commission (617-565-3200) and the U.S. Department of Housing and Urban Development (1-800-827-5005).



# Know The Facts: *A Practical Guide to the Complaint Process at the MCAD*

**Julian T. Tynes, Chairman**  
**Sunila Thomas-George, Commissioner**  
**Jamie R. Williamson, Commissioner**