

Madalyn Letellier

From: Andrew Sessa [REDACTED]
Sent: Saturday, December 14, 2024 6:27 AM
To: [REDACTED]; Willie Burnley, Jr.; All City Council
Cc: Public Comments
Subject: Re: Request for emergency agenda item on West Branch Library harassment at Thursday's city council meeting

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Dear Councilors Strezo and Burnley,

Thank you very much for your work to draft resolutions on this matter and to get them added, with very short notice, to Thursday's City Council meeting, which I just had the opportunity to watch (beginning around 3h 14m [here](#)). I appreciate that the Mayor's office was represented, through the Chief of Staff, and that she spoke thoughtfully on this matter.

I am writing now to encourage you to pursue this work, starting by taking the Chief of Staff up on her offer to have City experts in the [City's Equal Opportunity Policy](#) come before the Council to discuss it.

In particular, it seems it would be vital to have them discuss any deficiencies in the policy as they relate to 1) discipline, 2) Mayoral oversight, and 3) contracts/collective bargaining agreements—and how those deficiencies can be remedied.

1) In terms of discipline: I note that the EO policy does not seem to lay out much in the way of—or quite possibly anything about—specific disciplinary processes or action. That is, there isn't anything about what the City has deemed appropriate discipline to punish a confirmed instance of harassment—or years' worth of instances, against multiple victims, as was the case in this matter. Hearing from the City on this is key, since without that information, there is precious little in the way of transparency as it relates to enforcement of this policy.

2) In terms of Mayoral oversight, I note that the EO Policy states, on the top of page 12 of 23: *The Mayor or their designee (the "reviewer") will conduct an administrative review of the Investigation Report. The purpose of the administrative review is to determine whether the investigation is prompt, fair, impartial and thorough. If the reviewer determines the investigation is deficient, the reviewer shall remand the matter back to the Investigator for further investigation. If the reviewer determines that the investigation is prompt, fair, impartial and thorough, the reviewer will then consider whether the recommended discipline or sanction is consistent with City policy, practice, relevant collective bargaining agreement, and any applicable law [emphasis mine].*

It seems from this, as has been suggested in online forums and [in Cambridge Day's reporting](#), that final say rests with the Mayor's office, when it comes to the punishments meted out against perpetrators following harassment investigations. That is, the ultimate decision about appropriate discipline rests solely with the Mayor or their designee. That places a lot of power in a single seat, and on a topic where there is and can be very little public oversight, because personnel matters are held so tightly due to Massachusetts state law around privacy matters.

I wonder how this Mayoral administrative review process compares to EO violation disciplinary practices and policies in other municipalities, and how it can or should be changed here, I would behoove the Council to dig in on that.

3) In terms of contracting and collective bargaining: It would be useful to have the City's EO experts comment on how City employee contracts or collective bargaining agreements can create challenges in workplace harassment cases, and how those challenges can be addressed in future contracting.

Questions of particular note here would be:

Which aspects of contracts or agreements work against appropriately disciplining harassment, whether one time, or the sort of repeated, years-long workplace harassment by a single perpetrator that we have in this matter?

How can those aspects be changed in future contracts, including any that will be negotiated in the coming year?

What happens when two union employees are in conflict in an issue like this—who gets protected and how? Who gets punished? How can contracts and agreements ensure fairness and justice in such matters?

Finally, I would encourage you and your Council colleagues to bring this specific case to Executive Session—with the parties to the investigation present, if they desire, with counsel, as stipulated by Massachusetts law. Doing so will go a long way towards providing oversight, and to discovering what may have gone wrong here. It would seem the victims, and the public, deserve that, even if what happens in that session can not be made public.

Thank you again for your work,

Andrew Sessa


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