

Massachusetts Muslims, Know Your Rights! **Filing discrimination complaints at MCAD**

If you have been treated poorly because of your religion, race, nationality, or ethnicity,¹ you may be able to file a complaint with the Mass. Commission Against Discrimination (MCAD). For more information on your rights, see CAIR-MA's fact sheets on discrimination in [employment](#), [housing](#), and [public accommodations](#). You can also find information on MCAD's [website](#).

NOTE: This is general information, not legal advice. For specific questions about your situation, please speak with a lawyer.

What is MCAD? MCAD is a state agency that investigates claims of discrimination and enforces Massachusetts laws against discrimination in these areas:

- Employment
- Housing
- Public accommodations (stores, restaurants, and other places open to the public)
- Credit and lending
- Admission to public schools

Why should I file a complaint at MCAD? You may be able to make the discrimination stop, force a change in policies that led to the discrimination, and get paid for the harm done to you.

How much time do I have to file? For all types of discrimination other than admission to a public school, you must file within **300 days** of the discrimination. For school admission cases, you must file with **180 days**. You may also be able to file a lawsuit in court, but you must first start at MCAD.

What does it cost to file at MCAD? Nothing. There is no filing fee and MCAD will not charge you at any point during your case.

Do I need my own lawyer to file a complaint at MCAD? No -- and most people who file at MCAD don't have a lawyer. However, it is much better if a lawyer helps prepare your complaint and represents you during the case.

IMPORTANT: Please call CAIR-MA or another lawyer before filing a complaint at MCAD. We can tell you what information is needed to make a strong claim and we may be able to represent you.

¹ Depending on the situation, you may also be protected from discrimination based on age, gender, disability, or other reasons. Different laws apply to each kind of discrimination.

What is the process? The MCAD [process](#) is complicated but very generally, there are two main stages: 1) MCAD investigates the case and decides if illegal discrimination may have taken place, and 2) both sides prepare for a Public Hearing, MCAD's version of a trial.

Here are the basic steps during the first stage, the investigation.

1. *Complaint filed.*
2. *Case acceptance* – MCAD tells you if your complaint has been accepted for investigation. MCAD can dismiss a case if it is outside the areas they handle or if there is no legal claim.
3. *Position Statement* – The other side (called the “respondent”) files a Position Statement, which usually says that whatever happened was not due to illegal discrimination.
4. *Rebuttal* – You file a Rebuttal (reply) to the respondent's Position Statement, explaining why the respondent is wrong and giving any additional information to show that the respondent really did discriminate against you.
5. *Investigation* – An MCAD investigator looks at all the information to decide what happened. An investigator may ask for more information. PLEASE NOTE: MCAD receives hundreds of complaints each year, so an investigation can take two or more years.
6. *Early settlement* – At any time before MCAD decides if there may have been illegal discrimination, both sides can agree to see if the case can be settled with the help of an MCAD mediator.
7. *Finding* – MCAD makes a decision:

Probable Cause – MCAD thinks that the respondent probably discriminated against you. This is not a final decision. The respondent can appeal the Probable Cause finding but if they lose, the case moves to the next stage.

OR

Lack of Probable Cause – MCAD thinks that the respondent probably did not discriminate against you. You can appeal a Lack of Probable Cause finding but if you lose, your MCAD case ends there. You may still be able to file a lawsuit in court, but you should talk to a lawyer to see if that makes sense.

What happens if I get a Probable Cause finding? MCAD will require mediation, to see if the case can be settled at that point. If not, both sides prepare for a Public Hearing, which is like a trial except that the case stays at MCAD, instead of going to court. If you don't have your own lawyer, an MCAD lawyer takes over the case. An MCAD commissioner runs the hearing and makes the final decision. However, it can take several years before a Public Hearing is held, so many cases settle before that happens.

If you have your own lawyer, you two will decide if you want to keep the case at MCAD or remove the case from MCAD and file it in court.

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