



**CIVIL RIGHTS POLICY  
 AND  
 DISCRIMINATION COMPLAINT PROCESS  
 No. AD-01-23**

<b>CIVIL RIGHTS POLICY AND DISCRIMINATION COMPLAINT PROCESS</b>			
Intended For:	Members of the Public	Date Issued:	3/30/2023
Subject:	Civil Rights Policy and Discrimination Complaint Process	Supersedes:	N/A
		Expires:	When Rescinded
Issued by:	Human Resources Branch	Authority:	Title VI of the Civil Rights of 1964, 42 U.S.C. § 2000d et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq.; Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq.; Section 13 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1251; Title 40, Code of Federal Regulations, Part 7, § 7.10 et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; Title 40, Code of Federal Regulations, Part 5, § 5.100 et seq.; Cal. Const., Art. 1, § 31; California Government Code, § 11135 et seq.; 11139.8; Title 2, California Code of Regulations, § 11140 et seq.; General Terms and Conditions (GTC 4/2017), paragraph 10; and State Contracting Manual, Vol. 1, § 4.03 and Vol. 2, §§ 1403.3, 1508.

This Administrative Directive (AD or directive) establishes the guidelines regarding the Department of Pesticide Regulation’s (DPR or the Department) Civil Rights Policy and Discrimination Complaint Process. The following directive will be effective immediately.

Questions regarding this policy should be directed to DPR’s Civil Rights Officer at (916) 445-3979 or [EEOP@cdpr.ca.gov](mailto:EEOP@cdpr.ca.gov).

TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

## **POLICY STATEMENT**

DPR's policy is to provide fair and equal access to the benefits of a program or activity administered by DPR. DPR will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by DPR. Members of the public who believe they were unlawfully denied full and equal access to a DPR program or activity may file a civil rights complaint with DPR under this policy. This nondiscrimination policy also applies, to the full extent authorized by law, to entities, including contractors, subcontractors, or grantees that DPR utilizes to provide benefits and services to members of the public.

## **DEFINITIONS**

Complainant: Individual(s) or other interested parties filing a civil rights complaint under this policy.

Discrimination: The unlawful denial of fair and equal access to a program or activity offered, conducted, or administered by DPR based on a protected class.

Protected class: A characteristic of a person which cannot be targeted for discrimination including race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, marital status, genetic information, medical condition, or mental or physical disability.

## **RESPONSIBILITY**

DPR's Director will have final authority and responsibility for compliance with this policy.

DPR's Civil Rights Officer, on behalf of the Director, will coordinate this policy's implementation within DPR. The Civil Rights Officer coordinates compliance efforts and receives inquiries concerning non-discrimination requirements.

## **COMPLAINT PROCEDURE**

A civil rights complaint may be filed against DPR or other entities affiliated with DPR, including contractors, subcontractors or grantees that DPR utilizes to provide benefits and services to members of the public.

### **1. Timeline for Filing a Complaint**

The complainant must file their complaint within three years of the alleged discrimination. This three-year time limit may be extended by DPR's Director if the complainant, based upon the exercise of reasonable diligence, could not have obtained knowledge of the facts of the alleged violation within the three-year time limit.

DPR encourages complainant to consult with an attorney to ensure any statutory time constraints, necessary to pursue any legal remedies available to the complainant outside of DPR's process for addressing complaints of discrimination, are met.

## 2. Submitting the Complaint Form

To initiate a complaint, the complainant must complete [DPR's Civil Rights Complaint Form](#), and send it to DPR's Civil Rights Officer within the time period discussed above. All complaints must be emailed or mailed to DPR's Civil Rights Officer at [EEOP@cdpr.ca.gov](mailto:EEOP@cdpr.ca.gov), or 1001 I Street, MS 4B, Sacramento, CA 95814.

The complaint must provide in writing:

- a. The complainant's current contact information, including telephone number and address, and if applicable, the contact information for complainant's authorized representative.<sup>1</sup> The complainant must inform DPR's Civil Rights Officer of any changes to this information during DPR's review process through resolution of the complaint with DPR.
- b. The identity of the program or activity administered by DPR that committed the alleged discriminatory act(s) or omission(s), whether that be DPR, a contractor, subcontractor, or grantee, and whether the complainant has filed their complaint with any State or Federal Agency.
- c. Whether complainant alleges that they have experienced discrimination and/or retaliation and the protected class of the person, group, or people subjected to the alleged discrimination.
- d. A detailed description of the alleged act(s) or omission(s) the complainant believes is discriminatory.

## 3. Investigation

DPR's Civil Rights Officer, or a designee, may contact complainant or their authorized representative with follow-up questions to collect all facts necessary to resolve the complaint. The Civil Rights Officer, or a person directed by the Civil Rights Officer, will conduct a prompt, neutral, and thorough investigation into the allegations. DPR does not waive any statute of limitations that may apply as DPR works with the complainant to resolve the complaint.

## 4. Determination

The Civil Rights Officer will review the facts presented and collected and reach a determination on the merits of the complaint based on a preponderance of the evidence. The Civil Rights Officer will inform the complainant in writing when DPR has reached a determination on the merits of the discrimination complaint, unless the complainant's contact information was unavailable (e.g., anonymous complaint or contact information not updated).

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<sup>1</sup> DPR will accept anonymous complaints and will investigate them to the fullest extent possible. Submission of an anonymous complaint, however, may impede DPR's ability to collect facts necessary to resolve the complaint.

## **OTHER REMEDIES**

Where the complainant has articulated facts that do not appear discriminatory under this policy but warrant further review, the Civil Rights Officer, in their discretion, may forward the complaint to a party within DPR for action. The Civil Rights Officer will inform the complainant, either verbally or in writing, before facilitating the transfer.

This complaint procedure is not intended as a prerequisite to seeking judicial or other relief, nor is it intended to foreclose a complainant from seeking judicial or other relief.

Alternative complaint procedures are also available. The California Civil Rights Department also has a Complaint Process for complaints of discrimination involving state funded programs. [CRD | Civil Rights Department \(ca.gov\)](#) Complaints of discrimination against recipients of federal funding, such as DPR, may also be filed with the United States Environmental Protection Agency. [Filing a Discrimination Complaint Against a Recipient of EPA Funds | US EPA](#)

## **CONFIDENTIALITY**

DPR strives to protect the confidentiality of the complainant and all participants in the civil rights complaint process to the greatest extent possible and as authorized by law. The nature of this process does not permit absolute confidentiality. The Civil Rights Officer may release information as necessary to resolve this complaint. Also, if in the course of reviewing and investigating a complaint, DPR learns of information that so warrants, DPR reserves the right to initiate a separate personnel investigation and to release information provided during the complaint process to appropriate DPR personnel and outside parties including the State Personnel Board in connection with any such personnel investigation or proceeding.

## **RETALIATION PROHIBITED**

DPR will not tolerate retaliation against a complainant or a participant in the complaint process. Anyone who believes that they have been subject to retaliation in violation of this policy may file a complaint of retaliation with DPR following the procedures outlined in this policy.

## **ALTERNATE FORMATS**

If you need this document in an alternate format (i.e., Braille, large print) or another language or for any questions regarding this policy, please contact DPR's Civil Rights Officer by mail or email at [EEOP@cdpr.ca.gov](mailto:EEOP@cdpr.ca.gov).