



CIVIL RIGHTS POLICY and DISCRIMINATION COMPLAINT PROCESS

POLICY STATEMENT

It is the Air Resources Board (ARB) policy to provide fair and equal access to the benefits of a program or activity administered by ARB. ARB 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 ARB. Members of the public who believe they were unlawfully denied full and equal access to an ARB program or activity may file a civil rights complaint with ARB under this policy. This non-discrimination policy also applies to people or entities, including contractors, subcontractors, or grantees that ARB utilizes to provide benefits and services to members of the public

Questions regarding this policy should be directed to the Civil Rights Officer at (916) 323-7053.

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 ARB based on a protected class. "Denial of Fair and Equal Access" includes:

- (i) The denial of any program benefit,
- (ii) Providing a different level of benefits than provided to other program users,
- (iii) Restricting the benefit or advantage of any program in a manner dissimilar to restrictions placed on other program users without a protected characteristic,
- (iv) Subjecting a person to segregation or separate treatment related to receiving the benefits of the program,
- (v) Denial to any person, or group of people, the opportunity to participate as a member of any planning or advisory body otherwise open to the public in some fashion, and
- (vi) Using criteria or methods of administering its program with the effect of discriminating against a user, or potential user, of the program offered by ARB.

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, genetic information, medical condition, or mental or physical disability.

RESPONSIBILITY

ARB's Executive Officer will have final authority and responsibility for compliance with this policy.

ARB's Civil Rights Officer, on behalf of the Executive Officer, will coordinate this policy's implementation within ARB, including work with the Ombudsman's Office, Office of Communications, and the staff and managers within a program or activity offered by ARB. The Civil Rights Officer coordinates compliance efforts, receives inquiries concerning non-discrimination requirements, and ensures ARB is complying with state and federal reporting and record retention requirements, including those required by Code of Federal Regulations, title 40, section 7.10 et seq.

COMPLAINT PROCEDURE

A Civil rights complaint may be filed against ARB or other people or entities affiliated with ARB, including contractors, subcontractors or grantees that ARB utilizes to provide benefits and services to members of the public. The complainant must file his or her complaint within one year of the alleged discrimination. This one-year time limit may be extended up to, but no more than, an additional 90 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the one-year time limit.

The complaint must provide in writing:

- (i) The complainant's current contact information, including telephone number and address. The complainant must inform ARB's Civil Rights Officer of any changes to this information during ARB's review process through resolution of the complaint with ARB.
- (ii) A detailed description of the alleged act(s) the complainant believes is discriminatory. ARB's Civil Rights Officer, or a person directed by the Civil Rights Officer, may need to follow up for additional information.
- (iii) Identify the protected class of the person, group, or people subjected to the alleged discrimination.
- (iv) Identify who committed the alleged discriminatory act.

The Civil Rights Officer, or a person directed by the Civil Rights Officer, will conduct a prompt, neutral, and thorough investigation into the allegations. ARB does not waive any statute of limitations that may apply as ARB works with the complainant to resolve the complaint. ARB recommends that the complainant consult with an attorney to

ensure any statutory time constraints necessary to pursue any legal remedies available to the complainant outside of ARB's process for addressing complaints of discrimination are met.

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 ARB has reached a determination on the merits of the discrimination complaint.

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

CONFIDENTIALITY

ARB 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. If a remedial action results in employee discipline, the Civil Rights Officer may release information provided during the complaint process to appropriate ARB personnel and outside parties including the State Personnel Board.

RETALIATION PROHIBITED

ARB 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 ARB following the procedures outlined in this policy.

COMPLAINT FORM

To initiate a complaint, the complainant must complete ARB's [Civil Rights Complaint Form](#) and send it to ARB's Civil Rights Officer within the time period discussed above. Send the complaint form to ARB's Civil Rights Officer located at 1001 I Street, Sacramento, CA 95814.

REFERENCE

Code of Federal Regulations, Title 40, section 7.10 et seq; Title VI of the Civil Rights of 1964; Section 13 of 1972 Amendments to the Federal Water Pollution Control Act; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; California Government Code, Title 2, Division 3, Part 1, Chapter 2, Article 9.5, *Discrimination*, section 11135 et. seq; California Code of Regulations, Title 22, section 98000 et. Seq;