



<i>POLICY TITLE</i> Title VI and California Civil Rights	<i>SUPERCEDES</i> DTSC-19-037	<i>POLICY NUMBER</i> DTSC-OCR-22-001
<i>POLICY OWNER</i> Office of Civil Rights	<i>EFFECTIVE DATE</i> Immediately	<i>PAGE</i> 1 OF 4
<i>DISTRIBUTE TO</i> All DTSC Employees	<i>APPROVED BY</i>  (Signature) Francesca Negri, Chief Deputy Director	
<i>ISSUE DATE</i> April 2022		

**POLICY
STATEMENT**

The Department of Toxic Substances Control (DTSC) actively promotes civil rights protections and implements all its programs, activities, policies, and services in a non-discriminatory manner. This ensures that no person in the state of California is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in DTSC programs, activities, policies, and services on the basis of their protected characteristics.

APPLICABILITY

This policy applies to DTSC employees, volunteers, contractors, grantees, local agencies, and recipients of DTSC funding.

AUTHORITY

- A. Title VI of the Civil Rights Act of 1964
- B. Section 504 of the Rehabilitation Act of 1973
- C. The Age Discrimination Act of 1975
- D. Title IX of the Education Amendments of 1972
- E. Section 13 of the Federal Water Pollution Control Act Amendments of 1972
- F. Title 40 Code of Federal Regulations (CFR) Parts 5 and 7 Non-discrimination in Programs or Activities Receiving Federal Assistance from the U.S. Environmental Protection Agency (EPA)
- G. Civil Rights Restoration Act of 1987
- H. Presidential Executive Order No. 12898, 59 FR 7629 (February 16, 1994)

- I. Presidential Executive Order No. 13166, 65 FR 50121 (August 16, 2000)
- J. Dymally-Alatorre Bilingual Services Act (California Government Code, § 7290 et seq.)
- K. California Government Code, § 11135
- L. California Government Code, § 11136
- M. California Government Code, § 11137
- N. California Health and Safety Code, § 39711
- O. DTSC, Kettleman Title VI Settlement Agreement (August 10, 2016)

DEFINITIONS

Complainant: A member of the public filing a civil rights complaint. A complaint can be filed by a member of the public who possesses, or is perceived to possess, a protected characteristic, and who believes that discrimination based on that characteristic occurred. A complaint may also be filed by a member of the public who believes discrimination occurred based on their association with someone with an actual or perceived protected characteristic. Additionally, a member of the public who witnesses or has knowledge of any discrimination in violation of state and federal non-discrimination laws may also file a complaint. A member of the public alleging discrimination by DTSC in violation of state and federal non-discrimination laws can also designate an authorized representative to assist with the individual's complaint, which representative is included in this definition of "complainant."

Discrimination: The unlawful denial of fair and equal access to a program, service, or activity offered, conducted, administered, or funded (in whole or in part) by DTSC based on a protected characteristic.

Meaningful Access: Language assistance (oral and written language services) that results in accurate, timely, and effective communication to the public. It also denotes reasonable efforts to provide language assistance services to ensure limited English proficient (LEP) individuals and individuals with disabilities have equal access to DTSC programs, activities, and services.

Program or Activity: The term "program or activity" and the term "program" mean all the operations of DTSC.

Protected characteristics: Pursuant to state and federal non-discrimination laws, protected characteristics include sex, race, color, religion, ancestry, national origin (including limited English proficiency), ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, and sexual orientation. The protected characteristics include a person who possesses any of these characteristics, a perception that a person has any of those characteristics, or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

PROVISIONS

As a receipt of federal financial assistance, DTSC must implement procedural safeguards required under Title 40 CFR Parts 5 and 7 in which all EPA recipients must have in place to comply with federal non-discrimination laws. For the purpose of this policy, the procedural safeguards include requirements from California Government Code Section 11135, Dymally-Alatorre Bilingual Services Act, and other applicable state non-discrimination laws.

As a recipient of state financial assistance, DTSC is required to comply with California Government Code, Section 11135, Dymally-Alatorre Bilingual Services Act, and other applicable state non-discrimination laws. DTSC will take measures to ensure civil rights protections and meaningful access for individuals with LEP and individuals with disabilities in its permit decisions, enforcement activities, site mitigation decisions, and other Department programs, activities, and services.

DTSC will designate a Non-Discrimination Coordinator to ensure compliance with Title 40 CFR Parts 5 and 7 and state and federal non-discrimination laws.

FILING A COMPLAINT

Complainants (members of the public) may submit a discrimination complaint to DTSC's Office of Civil Rights (OCR), the [California Department of Fair Employment and Housing](#), or in the event the alleged discrimination is in connection with a federally funded program, activity, service or project, to the [U.S. EPA's External Civil Rights Compliance Office](#).

**PROTECTION
FROM
RETALIATION**

Retaliation and/or reprisals against an individual who in good faith makes a complaint, raises a concern, provides information, or otherwise assists in an investigation or proceeding regarding any conduct that the individual reasonably believes to be in violation of this policy are prohibited and will not be tolerated by DTSC. An individual may file a complaint of retaliation with DTSC as provided in this policy. A complaint of retaliation should be based on a reasonable, good faith belief that retaliation has occurred. DTSC reserves the right to initiate an administrative inquiry into any suspected act of retaliation regardless of the complainant's preference.

STAFF TRAINING

The Civil Rights and Language Access Training is mandatory for all DTSC employees. This training explains state and federal non-discrimination and language access requirements, and all DTSC employees are required to complete this training as deemed appropriate by the Department.

VIOLATIONS

All individuals and entities subject to this policy will be held accountable for their conduct. DTSC employees who violate this policy may be subject to formal disciplinary action up to and including dismissal. Contractors, grantees, and local agencies who violate this policy may be subject to penalties, up to and including rescission of their contract with DTSC.

REVISIONS

This policy, and the determination to revise this policy, is the sole responsibility of OCR. Direct questions about this policy to OCR by email at OCR@dtsc.ca.gov.

**RELATED
DOCUMENTS**

- U.S. Environmental Protection Agency, Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 FR 35602 (June 25, 2004)
- U.S. Environmental Protection Agency, Compliance with Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency, Class. No. 1000.32 (February 10, 2017)
- DTSC's Language Access policy