

OCR Office of Civil Rights

CALIFORNIA DEPT. OF CORRECTIONS &
REHABILITATION
Office of Civil Rights
Mission Statement

The Office of Civil Rights (OCR) serves all employees of the Department of Corrections and Rehabilitation by ensuring effective processes for the filing, investigation and resolution of complaints, developing policy, providing technical assistance and training to all CDCR staff.

The mission of the OCR is to create and maintain a working environment free of discrimination for all California Department of Corrections and Rehabilitation employees applicants, and contractors.

Rita Mollica
Assistant Secretary
Office of Civil Rights

Discrimination Complaint Hotline
1-800-272-1408

California Department of
Corrections and Rehabilitation
Office of Civil Rights
Post Office Box 942883
Sacramento, CA 94283-0001

Sept 2008

State of California
Department of Corrections and Rehabilitation
Office of Civil Rights
P.O. Box 942883
Sacramento, CA 94283-0001

California Department of Corrections & Rehabilitation Office of Civil Rights

A Guide for Respondents

The following information has been prepared by the Office of Civil Rights to assist persons charged with discrimination (respondent) under both state and federal civil rights law to understand their rights and responsibilities.

Respondents should know that:

- ✓ The complaint contains allegations which if proven could substantiate a violation of policy, or a violation of state and/or federal civil rights law
 - ✓ Acceptance of a complaint does not represent any determination that the law has been violated
 - ✓ The California Department of Corrections and Rehabilitation process is administrative, not criminal
 - ✓ During an investigation, the role of the Office of Civil Rights is that of a neutral fact-finder
 - ✓ The law requires that employers maintain all applications, personnel, or employment referral records for a minimum of two years. After a complaint is filed, all such records shall be retained until a determination has been reached and all appeals and proceedings have been terminated
- Throughout the process, you are given the opportunity to ask questions

State and federal civil rights laws prohibit harassment and discrimination in employment because of race, color, ancestry, national origin, religion, sex (including gender orientation), disability (including HIV/AIDS diagnosis), medical condition (including genetic characteristics), pregnancy, age, military service, denial of CFRA/FMLA, pregnancy leave, sexual orientation, military service, and retaliation for participating in the discrimination complaint process.

Acts of violence or threats of violence because of a person's race, color, religion, ancestry, national origin, age, disability, sex (including gender orientation), sexual orientation, political affiliation or other characteristics such as those listed above are prohibited by the *Ralph Civil Rights Act* which may also be investigated by the Office of Civil Rights.

The Complaint Process

As a respondent in the discrimination complaint process you will be notified by your supervisor or other official designated by the Equal Employment Opportunity Coordinator that an allegation has been filed against you. At this time you cannot:

- ✓ Retaliate against the individual bringing the allegation(s) forward.

Discuss the allegation(s) with anyone outside the Equal Employment Opportunity process.

Note: State and federal law prohibits respondents from retaliating against complainants or any person who provides information to the Hiring Authority or the Office of Civil Rights surrounding allegations of discrimination.

Local Intervention Process

Complaints that are deemed to be minor and not likely to result in adverse employment action may be resolved through the Local Intervention Process. However, if the allegations are such that an investigation is warranted, the complaint will be investigated by a trained discrimination complaint investigator.

Once a complaint is received in the Office of Civil Rights, an intake is conducted to determine if the jurisdictional requirements have been met. If a complaint is accepted for investigation, an assigned investigator will conduct interviews with involved parties.

As a respondent, in addition to the guidelines above, you must:

- ✓ Cooperate with an investigation into the allegations

- ✓ Provide the Office of Civil Rights with requested documents and any additional relevant information regarding the complaint

At the conclusion of the complaint process, the complainant, respondent and Hiring Authority will be notified of the findings and the Hiring Authority will take any necessary disciplinary and/or adverse action as deemed appropriate.

At the conclusion of the complaint process, if the complainant is not satisfied with the results, they have the right to file an appeal with the State Personnel Board. An appeal must be filed within 30 days from the date of the closure letter from the Office of Civil Rights.

A complainant has the right to file a complaint of discrimination with the California Department of Fair Employment and Housing, the U.S. Equal Employment Opportunity Commission, and/or to pursue civil litigation.