




CITY OF MILPITAS

Revision	Date

CITY ADMINISTRATIVE POLICY

Policy No: 1.1.2	Consumer Discrimination Complaints	Effective Date: 12/15/2020
Revision No: Click or tap here to enter text.	Policy Administrator: City Clerk	Next Review Due: Click or tap to enter a date.
Related Policies and Procedures: N/A	Approved by: City Manager 	Date Approved: 12/15/2020

1. PURPOSE

- 1.1. The purpose of this policy is to underscore the City's commitment to providing services where all are treated with dignity and respect and reaffirms the City's commitment to prohibit and prevent unlawful discrimination.

2. POLICY

- 2.1. The City of Milpitas does not discriminate in any of its programs, activities or services. In compliance with all applicable state and federal laws, discrimination, harassment, and retaliation is prohibited, including but not limited to:
- 2.1.1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin, including language.
 - 2.1.2. Section 504 of the Rehabilitation act of 1973, which prohibits discrimination based on disability.
 - 2.1.3. Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
 - 2.1.4. Age Discrimination act of 1975, which prohibits discrimination based on age.
 - 2.1.5. U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.
 - 2.1.6. All applicable State of California laws.
- 2.2. The City of Milpitas has a zero tolerance policy to discrimination and/or harassment that is based on any status protected by law, including but not limited to race, color, religion (including dress and religious grooming), religious creed, sex (including pregnancy, childbirth, breastfeeding and related medical conditions), gender, gender identity (including transgender identity), gender expression, national origin (including language), ancestry, physical and/or mental disability, medical condition, genetic information, marital status, victim of domestic violence, age, sexual orientation and military and veteran status. Collectively these statuses that are legally protected are referred to in this Policy as "Protected Status". Discrimination is strictly prohibited and will not be tolerated.

Consumer Discrimination Complaints

3. DEFINITIONS

- 3.1. The following definitions are provided solely as a guide to assist in the application of this policy and may be subject to change.
- 3.1.1. Consumer- any person doing business with or seeking services from the City who is not currently employed by the City.
- 3.1.2. Employee- any person employed by the City in a full-time, part-time, temporary, probationary, or contract status.

4. PROCEDURE

- 4.1. Any person who believes that the City of Milpitas has failed to provide these services or discriminated in another way based on any protected status, can file a complaint in person or by mail, or email with the City Clerk, at:

E-mail: cityclerk@ci.milpitas.ca.gov

Phone: 408-586-3001

U.S. Mail:

City Clerk

455 E. Calaveras Blvd.

Milpitas, CA 95035

The complainant can also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

E-Mail: CRCLCompliance@hq.dhs.gov (fasted method to submit your complaint)

Fax: 202-401-4708

U.S. Mail:

U.S. Department of Homeland Security

Office for Civil Rights and Civil Liberties

Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, D.C. 20528

For additional information: www.dhs.gov/file-civil-rights-complaint

Phone: 202-401-1474 Toll-Free: 1-866-644-8360

4.1.1 The complaint must include the basis of the complaint of discrimination, to include race, color, national origin (including language), disability, sex, age, or religion (as applicable), date the alleged discrimination occurred, and the department where the alleged discrimination occurred.

4.1.2 The complaint must be received no later than 180 days after the date of the alleged discrimination.

- 4.2. Information and Services for Persons with Disabilities and Persons with Limited English Proficiency

4.2.1. City of Milpitas:

- Provides free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.) to communicate effectively with persons with disabilities

Consumer Discrimination Complaints

- Provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

If you need these services, please contact:

Tegan McLane, Community Engagement & Inclusion Administrator
408-586-3212

tmclane@ci.milpitas.ca.gov

- 4.3. Within ten (10) business days after receipt of the complaint, the City will acknowledge in writing, either via e-mail or via letter sent by U.S.P.S that the complaint has been received, and that the complaint will be investigated. The City will initiate an investigation on all timely complaints using internal resources and established procedures or refer the investigation to an external source, including but not limited to a local or state human rights commission within 30 calendar days of receipt. If a complaint is referred to an outside agency, the City will notify the complainant via e-mail or by written letter sent by U.S.P.S. that the complaint has been referred.
- 4.4. Complaints and resolution of complaints will be tracked using an electronic spreadsheet updated by the Office of the City Clerk.
- 4.5. In accepting complaints, the City will inquire whether the individual has filed the complaint with another agency, such as CRCL, in order to prevent duplicative investigations. If the individual has submitted dual filings, the City will contact the relevant agency to determine a coordination approach.
- 4.6. A notice of non-discrimination will be provided to all consumers (Attachment A)



NOTICE OF NONDISCRIMINATION

City of Milpitas complies with Federal and State civil rights laws and is committed to providing its programs and services without discrimination in accordance with all applicable federal, state, and local laws.

To File a Complaint

If you think that City of Milpitas has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, gender, gender identity (including transgender) ancestry, physical and/or mental disability, medical condition, genetic information, marital status, victim of domestic violence, age, sexual orientation and military and veteran status, you can file a complaint in person or by mail or email at:

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