



Policy of Nondiscrimination and Compliance with Federal Civil Rights Laws

SUBJECT: Nondiscrimination and access to all programs and services in compliance with Federal Civil Rights Laws.

PURPOSE: As a recipient of Federal Financial Assistance from the U.S. Department of Homeland Security (DHS) and other applicable Federal Administrations, this policy is to affirm that the San Diego Unified Port District (District) complies with Federal Civil Rights Laws and is committed to providing its programs and services without discrimination, specifically in accordance with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including language).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulations 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

APPLICABILITY: This policy applies to all programs and services of the District.

POLICY STATEMENT: In conjunction with other equal opportunity and nondiscrimination policies, the District firmly believes in, and is committed to, the principles and practices of equal opportunity and nondiscrimination. It is the policy of the District to ensure nondiscrimination and access to all its programs and services without regard to race, color, national origin (including language), disability, sex, age, or religion.

Furthermore, the District shall ensure that all programs and services are administered in a manner so as to further the principles of equal opportunity and nondiscrimination to attain diversity, equity, and inclusion.

RESPONSIBILITY: Responsibility for developing and implementation of the policy and procedures to monitor the program and processing discrimination complaints, will be the Manager, Diversity, Equity, and Inclusion. Accountability in achieving the objectives of the Policy will be shared by all District management.

PROGRAM IMPLEMENTATION AND MONITORING: The role of the Manager, Diversity, Equity, and Inclusion shall include, but not be limited to, the following:

- Distribution and training of policy and program, both internally and externally.
- Receiving, addressing, and monitoring complaints.
- Reporting as required, and as needed for the overall policy and program maintenance and efficacy.



FILING A COMPLAINT: The District provides a procedure for filing of complaints of alleged discrimination by aggrieved parties, including employees, members of the public, clients, customers, and program participants. Any aggrieved party who feels subjected to discrimination by the District or representatives of the District, for any of the reasons cited above, can file a discrimination complaint in person, by phone, mail, fax, or email to:

Shirley Hirai
Manager, Diversity, Equity, and Inclusion
shirai@portofsandiego.org
(619) 686-7245
(619) 686-6408 FAX
P.O. Box 120488
San Diego, CA 92112-0488

Complaints can also be filed with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties at e-mail: CRCLCompliance@hq.dhs.gov, which is the fastest method, or FAX: 202-401-4708, or mail: U.S. Dept. 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 visit: www.dhs.gov/crcl or call 202-401-1474 or toll-free 1-866-644-8360.

CONFIDENTIALITY: The District recognizes that confidentiality is important to all parties involved in a discrimination investigation. Confidentiality will be maintained to the extent possible; however, it cannot be guaranteed. Only those individuals with a legitimate right to know or who are necessary for resolution of a complaint will be involved in the investigatory process.

NO RETALIATION: The District shall not tolerate retaliation for initiating, pursuing, or assisting with a complaint of alleged discrimination to the District or to any government agency.

COMPLAINT PROCESS: A complaint or report of discrimination should be filed with the Manager, Diversity, Equity, and Inclusion no later than 180 days after the date of the alleged discrimination.

The complainant is also advised that there are time limitations to file a complaint of employment discrimination:

- For the California Department of Fair Employment and Housing (DFEH), the time limitation is three (3) years from the date the discriminatory act allegedly occurred; and
- For the United States Equal Employment Opportunity Commission (EEOC), charges must be filed within three hundred (300) days of the date the alleged discriminatory act occurred.



Complaints shall be tracked in a spreadsheet only accessible by Human Resources and the Manager, Diversity, Equity, and Inclusion and shall contain the name and address of the complainant, nature of the complaint, date of submission and results of any investigation. Additionally, when accepting a complaint, inquires as to whether a complaint has already been filed with another agency, such as CRCL, shall be determined, and if so, in order to prevent duplication, contact with the relevant agency shall be made to coordinate the handling of the complaint.

Upon the receipt of a complaint or a report of alleged discrimination, a prompt and thorough investigation shall be conducted. The investigator will strictly adhere to the confidentiality terms of this policy; remind the complainant or reporting party, the accused, and all interviewees of confidentiality and affirm that retaliation shall not be tolerated; maintain a written record of the investigation; and, keep the complainant informed of the progress of the investigation and ultimately the results of the investigation.

The investigator will use the preponderance of evidence standard with the goal of resolving complaints within 90 days of receipt, though the time to conduct a fair and thorough investigation will depend on the nature and complexity of the complaint.

Upon completion, the written investigation and all findings shall be provided to the Director, Human Resources for review. The Director of Human Resource's shall determine whether there was sufficient evidence to support the findings. If the Director of Human Resources concurs with the findings, such concurrence shall be documented, and the investigator will notify the complainant.

If the Director of Human Resources does not concur with the findings, then the Director will direct the investigator to further investigate in the manner set forth by the Director, which shall be made a part of the investigation. Once such investigation is completed, the investigator will submit the investigation to the Director of Human Resources for review consistent with the section above.

After the investigation has been completed and reviewed by the Director of Human Resources, the investigator will notify the complainant, and will offer to discuss the findings in a face-to-face meeting.

In the event there is a determination that discrimination has occurred, the District will assess what remedial steps are required to address and correct the discriminatory conduct.



In the case where any employee is found to be responsible for discrimination or retaliation in violation of this policy, the employee shall be subject to appropriate disciplinary action. The severity of the discipline will be based upon the totality of the circumstances and may include counseling, training, education, and/or other remedial steps as a condition of employment.

DISTRIBUTION: Copies of this policy will be provided as part of the New Hire Experience and posted on internal and external websites where employees, members of the public, clients, customers, and program participants will have access. When significant changes are made, the updated policy will be reposted and redistributed.

This policy shall be reviewed and updated biennially, or as required by law.

TRAINING: As a preventative and proactive step, all employees of the District will receive training on preventing discrimination and knowledge and utilization of this policy and the complaint process.

DISABILITIES OR LIMITED ENGLISH PROFICIENCY: The District will make every reasonable effort to ensure access to its programs and services to all. For persons with disabilities and persons with limited English proficiency, services made available in accordance with the Board of Port Commissioners (BPC) Policy No. 362: Americans with Disabilities Act, and the District's Language Access Plan, respectively, and includes, but is not limited to addressing the following:

- Auxiliary 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.
- 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 these services are needed, please contact: Shirley Hirai, Manager, Diversity Equity and Inclusion, shirai@portofsandiego.org, (619) 686-7245, or FAX (619) 686-6408. Requests should be made at least 48 hours prior to the need of the services.

Related Documents:

- Notice of Policy of Nondiscrimination and Compliance with Federal Civil Rights Laws
- BPC Policy No. 358: Service Providers', Vendors', Contractors', and Lessees' Compliance with Equal Employment Opportunity and Nondiscrimination
- BPC Policy No. 359: Equal Opportunity Contracting Policy



- BPC Policy No. 361: Equal Employment Opportunity and Nondiscrimination Policy
- BPC Policy No. 362; Americans with Disabilities Act
- Disadvantaged Business Enterprise Policy Statement
- Policy and Complaint Procedure Against Harassment, Discrimination and Retaliation
- Language Access Plan

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APPROVED:

Joe Stuyvesant

J. Stuyvesant, President/CEO

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Date