

CIVIL RIGHTS DEPARTMENT
PROPOSED REGULATIONS REGARDING PROCEDURES OF COMMUNITY CONFLICT RESOLUTION

CALIFORNIA CODE OF REGULATIONS

Title 2. Administration

Div. 4.1. California Civil Rights Department

Chapter 1. Procedures of the Civil Rights Department of ~~Fair Employment and Housing~~

Subchapter 4. Procedures of Community Conflict Resolution

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§ 10300. Scope.

The California Civil Rights Department (CRD or department), through its Community Conflict Resolution Unit (CCRU), provides conflict resolution conciliation assistance to communities or persons therein experiencing disputes, disagreements, or difficulties arising from discriminatory practices based on the protected characteristics identified in Government Code Section 12931. To be eligible for CCRU's services, the disputes, disagreements, or difficulties of the communities or persons therein must, within the judgment of the department, impair the rights of persons in the community under the Constitution or laws of the United States or of this state and threaten peaceful community relations.

Community conflict resolution conciliation assistance may include, but is not limited to, facilitated dialogues, mediation, education and outreach, training, technical assistance, and consultation. Community conflict resolution assistance is intended to assist communities experiencing conflict to develop community-led solutions to the conflict and enhance communities' capacity to independently prevent and resolve future conflict. Community conflict resolution staff serve as neutral and impartial resources to assist communities resolve disputes, disagreements, or difficulties.

Community conflict resolution conciliation assistance is separate and distinct from the department's enforcement activities as defined in subchapters 1-3 of these regulations. Community conflict resolution staff do not engage in any of the department's enforcement activities, including mediation conducted by the Dispute Resolution Division to resolve a complaint brought pursuant to the department's enforcement activities.

Note: Authority cited: Section 12930, Government Code. Reference: Section 12931, Government Code.

§ 10301. Community Conflict Resolution Jurisdiction.

The department may provide its community conflict resolution conciliation assistance to communities and persons therein when, in the judgment of the community conflict resolution staff, peaceful relations among the persons of the community involved are threatened by disputes, disagreements, or difficulties relating to discriminatory practices based on the protected characteristics listed in Government Code section 12931.

Note: Authority cited: Section 12930, Government Code. Reference: Section 12931, Government Code.

§ 10302. Definitions.

For the purposes of this subchapter only:

(a) "Conciliation assistance" includes activities undertaken by the Community Conflict Resolution Unit to assist communities or state or local bodies resolve community conflict, including, but not limited to, facilitating dialogues, mediation, education and outreach, training, designing effective opportunities for community input, technical assistance, and consultation.

(b) "Investigation" includes activities to gather and examine information, discover or uncover facts, and research.

Note: Authority cited: Section 12930, Government Code. Reference: Section 12931, 12932(b) Government Code.

§ 10303. Confidentiality.

(a) In providing assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on the protected characteristics listed in Government Code section 12931, the department shall provide community conflict resolution conciliation assistance in confidence and without publicity, and the department shall hold confidential information and evidence acquired in the regular performance of its duties upon the understanding that it would be so held.

(b) The department shall obtain the understanding of participants in community conflict resolution conciliation assistance that information exchanged as part of community conflict resolution conciliation assistance is confidential.

(c) In maintaining liaisons with human relations commissions, the department shall maintain the confidentiality of any information designated by law as confidential.

Note: Authority cited: Section 12930, Government Code. Reference: Sections 12931, 12932(b), 12933, Government Code.

§ 10304. Requesting or Accepting Community Conflict Resolution Conciliation Assistance.

(a) Community conflict resolution conciliation assistance may be requested or accepted by state or local public bodies, or by any individual directly affected by disputes, disagreements, or difficulties relating to discriminatory practices based on the protected characteristics identified in Government Code section 12931 that impair their rights under the Constitution, federal, or state law. Community conflict resolution conciliation assistance may be requested verbally, in writing, including through electronic communications, electronic mail at CCRU@calcivilrights.ca.gov, or by submitting a community conflict resolution request for service form available at www.calcivilrights.ca.gov, to the department.

(b) A complaint, as defined in Chapter 1 Section 10001(c), is not required in order to request or accept community conflict resolution conciliation assistance. Requests for, or acceptance of, community conflict resolution conciliation assistance are independent and unrelated actions from filing a complaint as defined in Chapter 1 Section 10001(c) and must meet the requirements of Government Code Section 12931. When a complaint, as defined in Chapter 1 Section 10001(c), has been or will be filed, requests for, or acceptance of, community conflict resolution conciliation assistance may be made or accepted before, simultaneously with, or after filing a complaint as defined in Chapter 1 Section 10001(c).

(c) Requesting or accepting community conflict resolution conciliation assistance does not impact or stay other applicable departmental deadlines or civil statutes of limitation.

Note: Authority cited: Section 12930, Government Code. Reference: Section 12931, Government Code.