



PUBLIC COMPLAINT PROCEDURE FOR COMPLAINTS OF DISCRIMINATION ON THE BASIS OF DISABILITY

1. Purpose

The purpose of this procedure is to eliminate and resolve as promptly as possible any discrimination or exclusion from City services of people who are disabled.

2. Policy

The City will not unlawfully discriminate against an individual or group of individuals on the basis of disability in providing and administering services, programs, or activities. All eligibility standards, rules, or requirements that unnecessarily screen out individuals with disabilities will be eliminated. Physical barriers which bar or impede access to City programs, activities, or services will be identified and steps to eliminate the situation will be taken to ensure programs are accessible when viewed in their entirety. The City will review its policies and practices to ensure means of communication are effective with applicants, participants, and members of the public. All employees will be trained to be familiar with the agency's policies and practices for the full participation in an interactive setting of individuals with disabilities.

3. Who May File

An individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the City may, by himself or herself or by an authorized representative, file a complaint under this procedure.

4. Time For Filing

In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 30 days of the alleged incident(s). Where reasonable circumstances prevent the filing of the complaint within this time period, complaints received after this time period may be accepted.

5. Information Required in the Complaint

A complainant may file a complaint on the attached complaint form. If a complainant chooses not to use the form, the complaint may be filed in writing or verbally and must include the following information:

- a. The complainant's name, address, and phone number. If a representative is filing the complaint on the complainant's behalf, his or her name, address, and phone number must also be included.
- b. A description of the offending behavior(s), action(s), or violation(s), and the circumstances involved.

- c. The date(s), time(s), and location(s) of the incident(s).
- d. If the incident(s) involved a City employee, his or her name should be included, if known by the complainant.
- e. Name(s) of witnesses, if any
- f. If the complaint is being filed on behalf of a group of people or on behalf of a third person, all of the alleged victims of discrimination should be described or identified by name, if possible.
- g. The remedy desired.
- h. The signature of the victim of the alleged discrimination or the signature of his/her authorized representative.

5. Where to File

The complaint may be filed with the head of the City department involved in the alleged discrimination if known to the complainant. Complaints may also be filed with the City's designated ADA Compliance Officer. Complaints may be mailed or delivered in person. Verbal complaints shall be filed with the Compliance Officer. The Compliance Officer shall be responsible for providing any necessary assistance to those persons filing complaints.

6. Investigation

All complaints received by department heads shall be referred to the Compliance Officer for investigation. Upon completion of the investigation, the Compliance Officer shall review factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, giving consideration to all factual information, the totality of the circumstances, including the nature of the alleged discriminatory conduct, and the context in which the alleged incident(s) occurred.

8. Written Report

The Compliance Officer will then prepare a written report setting forth:

- a. the results of the investigation;
- b. a determination as to whether discrimination occurred; and
- c. if the discrimination occurred, the remedy which will be provided by the City. Copies of the report shall be provided to appropriate persons, including, but not limited to the complainant, the person(s) allegedly engaged in discrimination, the supervisor, and the department head.

9. Employee Discipline

If the Compliance Officer determines that a City employee(s) unlawfully discriminated against an individual(s), the City will take appropriate disciplinary action commensurate with the severity and/or frequency of the offense and pursuant to City disciplinary policies and procedures.

10. Decision

The decision of the Compliance Officer will be final for the City.

11. Retaliation

Reasonable steps shall be taken to protect the victim and other potential victims from further discrimination and to protect the victim from retaliation as a result of communicating the complaint.