

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURES

Section 1: Purpose

This Policy establishes the grievance procedure required by 56 Fed.Reg. 35,718 (1991) (to be codified at 28 CFR 35.107) pursuant to Title II of the Americans With Disabilities Act of 1990 (“ADA”) (42 U.S.C.A. 12131 et seq., (Supp. 1991)) for the purpose of resolving grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the designated coordinator.

In general, the ADA requires that each program, service and activity offered by Niles Public Library District, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

It is the intention of the Niles Public Library District to foster open communication with all individuals requesting readily accessible programs, services and activities. Niles Public Library District encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 2: Definitions

- A. A “grievance” is any complaint under the ADA by an individual with a disability who:
1. meets the essential eligibility requirements for a participation in or receipt of the benefits of a program, activity or service offered by Niles Public Library District, and
 2. believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of Niles Public Library District or has been subject to discrimination by Niles Public Library District, on the basis of his or her disability.

- B. A “complainant” is an individual with a disability who files a grievance on the form set out in Appendix B of this Policy.
- C. The “designated coordinator” is the person(s) appointed by the Board of Trustees of the Niles Public Library District who is/are responsible for the coordination of efforts of Niles Public Library District to comply with and carry out its responsibilities under Title II of the ADA, including the investigation of grievances filed by complainants.

Section 3: Grievances

- A. Niles Public Library District will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this Policy. A person who wishes to avail himself or herself of the formal procedure, however, may do so only by filing a grievance within 180 calendar days of the alleged discrimination in the form and manner prescribed in Section 4.
- B. Niles Public Library District shall provide a copy of the grievance procedure and the required complaint form to anyone who requests it or expresses a desire to file a formal grievance.

Section 4: Manner of Filing

- A. The filing of a grievance is accomplished by the complainant’s submission of a grievance in writing to the designated coordinator on the prescribed form. (See Appendix B.)
- B. In order to be deemed filed and to receive proper consideration by the designated coordinator, the grievance form must be completed in full except as otherwise indicated on the form. The designated coordinator will notify the complainant within ten business days of the receipt of the form if the filing is not complete. Niles Public Library District will assist with completion of the grievance form upon request.

Section 5: Initial Response

The designated coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The designated coordinator shall provide a written response to the complainant and the Board of Trustees of the Niles Public Library District within ten (10) business days after receipt of the grievance form.

Section 6: Review

- A. If the grievance has not been resolved by the designated coordinator to the satisfaction of the complainant, the complainant may submit a copy of the grievance form and designated coordinator's response to the Board of Trustees of the Niles Public Library District for final review. The complainant shall submit these documents to the Board of Trustees of the Niles Public Library District, together with a short written statement explaining the reason(s) for dissatisfaction with the designated coordinator's written response, within five (5) business days after complainant's receipt of the designated coordinator's response. The Board of Trustees of the Niles Public Library District will extend the period for submitting the review request and supporting comments for up to ten (10) additional days upon complainant's request.
- B. The Board of Trustees of Niles Public Library District shall appoint a three (3) member panel to review the grievance. One member so appointed shall be designated chairman.
- C. The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the designated coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- D. The panel shall make recommendations in writing to the Board of Trustees of the Niles Public Library District as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may also make a signed, written recommendation to the Board of Trustees of the Niles Public Library District.

- E. Upon receipt of recommendations from a panel, the Board of Trustees of the Niles Public Library District shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Board of Trustees of the Niles Public Library District's decision shall be final. If the Board of Trustees of the Niles Public Library District disapproves or modifies the Panel's recommendations, the Board of Trustees of the Niles Public Library District shall include written reasons for such disapproval or modification.

- F. A complainant's failure to appeal the designated coordinator's response for review by the Board of Trustees of the Niles Public Library District within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given by the coordinator.

Section 7: Accessibility

Niles Public Library District shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 8: Case-By-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements for, the benefits to be derived from, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on Niles Public Library District. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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