



**Americans with Disabilities Act (ADA)
Grievance and Complaint Policy and Procedures**

POLICY:

The Recreation and Park Commission for the Parish of East Baton Rouge (BREC) is committed to ensuring that visitors with disabilities are able to take part in, and benefit from, a whole range of facilities, programs, and services offered by BREC.

Title II of the Americans with Disabilities Act (ADA) requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints.

The purpose of this ADA grievance and complaint procedure is to resolve as promptly as possible any problems, complaints, or conflicts associated with BREC's ADA compliance as it relates to public access to facilities, programs, and services without the need for the complainant to resort to other remedies available under the law.

If any individual feels that he or she has been unable to access a BREC facility, program, or service because of a lack of accessibility or has been discriminated against because of a disability, the individual should fill out and submit the ADA Grievance and Complaint Form. The ADA Grievance and Complaint Policy and Procedures should be made available to the public in various formats. The grievance and complaint process is outlined in the following Grievance and Complaint Procedures.

GRIEVANCE AND COMPLAINT PROCEDURES:

Any person with a disability or any parent or guardian who represents a minor with a disability, who believes that they have been the subject of disability-related discrimination and the denial of access to facilities, programs, or services may file a grievance or complaint.

Step 1: File an ADA Grievance and Complaint Form

The complainant should fill out the ADA Grievance and Complaint Form, shown in Appendix A, giving all the information requested. The ADA Grievance and Complaint Form should be filed in writing with the BREC ADA Coordinator or another authorized representative within 60 days of the alleged disability-related discrimination. Upon request, reasonable accommodations will be provided in completing the form, or alternative formats of the form will be provided. (Processing of allegations of discrimination, which occurred before this grievance and complaint procedure was in place, will be considered on a case-by-case basis.)

Step 2: An Investigation is Conducted

A notice of receipt shall be mailed to the complainant by certified mail within five working days of the receipt of the grievance or complaint and the ADA Coordinator or another authorized representative shall begin an investigation into the merits of the complaint within 60 days. The ADA Coordinator or another authorized representative will schedule a face-to-face meeting with the complainant to discuss the complaint and obtain additional facts or documentation relevant to the grievance. If the complainant alleges misconduct on the part of the ADA Coordinator, another authorized representative may be appointed by the Superintendent to undertake the investigation if the allegations can be substantiated. After it is received, the grievance or complaint shall be brought before the ADA Coordinator or another authorized representative and person responsible for plan implementation.

Step 3: A Written Decision is Prepared and Forwarded to the Complainant

The ADA Coordinator or another authorized representative shall prepare a written decision, after full consideration of the grievance merits, no later than 75 working days following the receipt of the grievance. If the complaint alleges misconduct on the part of the ADA Coordinator, another authorized representative may be appointed by Superintendent to prepare the written decision if the allegations can be substantiated. A copy of the written decision shall be mailed to the complainant by certified mail no later than five working days after preparation of the written decision. A copy of the complaint, written decision, and responses shall be provided to the complainant and retained by the ADA Coordinator for a period of three years.

Step 4: A Complainant May Appeal the Decision

If the complainant is dissatisfied with the written decision, the complainant may file a written appeal with the Superintendent no later than 30 working days from the date that the decision was mailed. The appeal must contain the following information to be considered by BREC:

1. A statement of the reasons why the complainant is dissatisfied with the written decision.
2. New information that was not provided previously which may alter the written decision issued in Step 3.
3. The document must be signed by the complainant, or by someone authorized to sign on the complainant's behalf.

A notice of receipt shall be mailed to the complainant by certified mail within five working days of the receipt of the appeal. If the three elements listed above are not met, the appeal will not be considered by BREC. The ADA Coordinator or another authorized representative will notify the complainant that the criteria for an appeal were not met within five working days of receipt of appeal.

The appeal reviewers, consisting of the ADA Coordinator or another authorized representative and the Superintendent or designee, will act upon the appeal no later than 60 working days after receipt, and a copy of the appeal reviewers' written decision will be mailed to the complainant by certified mail no later than five working days after preparation of the decision. The decision of the appeal reviewers will be final.

The ADA Coordinator and the Superintendent will maintain the confidentiality of all files and records relating to grievances filed, unless disclosure is authorized or required by law. Any retaliation, coercion, intimidation, threat, interference or harassment for the filing of a grievance, or used to restrain a complainant from filing, is prohibited and should be reported immediately to the ADA Coordinator and/or the Superintendent, depending on the case.