

# **Town of New Canaan ADA Title II Grievance Procedure**

## **Step 1. File the grievance**

Complete the ADA Grievance Form, or prepare a written grievance that includes the following:

Name, address, and phone number of the person filing the grievance;

Name, address, and phone number of the person alleging the ADA violation, if other than the person filing the grievance;

Description of the alleged violation and the remedy sought;

If a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court, provide, name of the court or agency, name and address of a contact person, and the date filed.

## **Step 2. Acknowledgement**

Town of New Canaan will send an acknowledgement within 12 working days of receipt of the grievance.

## **Step 3. Informal resolution**

Within 60 calendar days of receipt, Town of New Canaan will complete the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

## **Step 4. Written determination**

If an informal resolution of the grievance is not reached in Step 3, within 75 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by ADA Coordinator to the First Selectman for approval.

## **Step 5. Final determination and resolution**

Town of New Canaan shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of Town of New Canaan's response to the grievance shall be at the discretion of the First Selectman.

If the grievant is not satisfied with Town of New Canaan's handling of the grievance at any stage of the process, or does not wish to file a grievance through Town of New Canaan's ADA Title II Grievance Procedure, the grievant may file a complaint directly with the U. S. Department of Justice or other appropriate state or federal agency. Use of Town of New Canaan's grievance procedure is not a prerequisite to the pursuit of other remedies.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue, the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Town of New Canaan. Accordingly, the resolution by Town of New Canaan of any one grievance does not constitute a precedent upon which Town of New Canaan is bound or upon which other complaining parties may rely.

#### File Maintenance

Town of New Canaan ADA Coordinator shall maintain ADA Grievance files for three years.