

ADA ACCESS AND INCLUSION SOLUTIONS PROCESS

This ADA Access and Inclusion Solutions Process (ADA Solutions Process) may be used by anyone who believes that a Bismarck Parks and Recreation District (BPRD) program, service, or facility is not available to them because of their disability. The ADA Solutions Process does not apply to the employment relationship between BPRD and its employees, which is governed by the BPRD Human Resource Policy and Procedure Handbook.

Solutions Process Steps

Step 1: Submit a Written Request for Solution

A Request for Solution should be made in writing and contain information about the issue requiring a solution. There is a preferred Request for Solution Form for this purpose available on the BPRD website or by request from BPRD's ADA Coordinator. The information provided should include, at a minimum, the name, address, email, and phone number of the person seeking a solution and the location, date, and a brief description of the issue and the requested solution.

Upon request, BPRD will accept alternative means of making a Request for Solution, such as through a face-to-face discussion with BPRD staff or via the submission of a recording or audio file containing the relevant information.

The Request for Solution should be submitted to BPRD's ADA Coordinator by the person with a disability, or their authorized representative, as soon as possible but no later than 60 calendar days after the date on which the issue first arose or occurred:

ADA Coordinator: RaNae Jochim

Phone: 701-222-6455

Email: rjochim@bisparcs.org

Address: 400 East Front Avenue, Bismarck, ND 58504

The Request for Solution may be submitted by U.S. mail, email, or hand delivery.

Step 2: Schedule a Meeting

Within 7 calendar days after receipt of the Request for Solution, the ADA Coordinator, or designee, will schedule a meeting with the person seeking a solution to discuss the Request for Solution and the possible solutions.

The communications to schedule the meeting may take place by phone, by text, in person, or by email. The meeting shall occur within 15 calendar days after the ADA Coordinator's receipt of the Request for Solution.

Step 3: Meeting to Discuss the Request for Solution

Within 15 calendar days after receipt of the Request for Solution, the ADA Coordinator, or designee, will meet with the person seeking a solution to discuss the Request for Solution and the possible solutions. The meeting may take place in person, virtually, or by phone based on the preference of the person

requesting a solution. The person requesting a solution may bring other persons to the meeting, such as a family member, advocate, or attorney, but must provide advance notice to the ADA Coordinator regarding the attendance of an additional person(s) and their relationship to the person seeking a solution. The ADA Coordinator may reasonably limit the number of persons attending this meeting. Other BPRD staff may also attend the meeting at the request of the ADA Coordinator.

Step 4: Provide a Solution

Within 15 calendar days of the meeting, the ADA Coordinator, or designee, will provide a written decision regarding the Request for Solution. Where appropriate, the response will be provided in a format accessible to the person seeking the solution, such as large print, Braille, or audio format. The response will explain the position of BPRD and offer a solution, if available, to the Request for Solution. There may be times where more than one solution will be effective, and in such cases, the written response will describe the possible solutions.

Step 5: Appealing a Request for Solution Decision

If the response by the ADA Coordinator, or designee, does not satisfy the person requesting a solution, they and/or their authorized representative may appeal the decision to the Executive Director, or designee, within 5 calendar days after receipt of the ADA Coordinator's response. An appeal made more than 5 calendar days after the receipt of the ADA Coordinator's response will not be considered.

Within 15 calendar days after receipt of the appeal, the Executive Director, or designee, will meet with the appellant to discuss the appeal and the original decision regarding the Request for Solution. The meeting may take place in person, virtually, or by phone based on the preference of the person requesting a solution.

Within 15 calendar days after the meeting, the Executive Director, or designee, will respond in writing, and, where appropriate, in a format accessible to the appellant, with a final resolution of the appeal.

BPRD Designees: The ADA Coordinator and Executive Director may delegate their authority to act under this ADA Solutions Process to other BPRD personnel as their designees. The person requesting a solution will be informed, in writing, when such a delegation of authority has been made.

Authorized Representative: The person requesting a solution may be represented throughout the steps of the ADA Solutions Process by a representative authorized to act on the requester's behalf. The person requesting a solution must inform BPRD in writing when a representative is authorized to represent the requester's interests before BPRD.

Deadlines: When a deadline for an action under this ADA Solutions Process falls on a weekend or holiday, the deadline will be extended to the next working day the BPRD main office is open for business. Deadlines for actions to be taken by BPRD may be extended, in writing, by the Executive Director where business necessity warrants or by mutual agreement of the parties. Deadlines for actions to be performed by the requesting party may be extended only by mutual consent of the parties.

Costs: BPRD and the requesting party will each bear their own costs incurred in participating in the ADA Solutions Process. BPRD will not charge a surcharge to persons with disabilities to cover the cost of implementing measures taken to comply with the requirements of the ADA.

Records: Records related to the ADA Solution Process, including all written requests, appeals, and responses, will be retained by BPRD for a minimum of six years from the date of final disposition.

Other Options: BPRD believes an internal solution is an effective and efficient approach to accessibility and inclusion issues, offering greater flexibility to all parties. That said, participation in the ADA Solutions Process is not a prerequisite to pursuing any other options for bringing an ADA-related complaint provided by law. Members of the public are free to seek a resolution to their complaints through the appropriate federal agencies or the courts.

Information: Bismarck Parks and Recreation District is committed to access and inclusion and believes that both make Bismarck a better community. To further discuss access and inclusion issues and initiatives, contact the ADA Coordinator at 701-222-6455 or rjochim@bisparks.org.

Approved by the Board of Park Commissioners March 21, 2024