

## **Grievance Policy under Title II of the Americans with Disabilities Act**

This Grievance Policy is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Bismarck Parks and Recreation District. The Bismarck Parks and Recreation District Human Resource Policy and Procedure Handbook governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities, upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**RaNae Jochim**  
**Bismarck Parks and Recreation District**  
**400 East Front Avenue, Bismarck, North Dakota 58504**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will respond to the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the discussion, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Bismarck Parks and Recreation District and offer options for substantive resolution of the complaint.

An investigation, as may be appropriate, shall follow a filing of grievance. The investigation will be conducted by the ADA Coordinator or his/her representative(s).

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Bismarck Parks and Recreation District Executive Director or his/her designee. Within 15 calendar days after receipt of the appeal, the Executive Director or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. A Compliance Review committee consisting of the Bismarck Parks and Recreation District's Executive Director, Park Board President and Legal Counsel shall issue its decision within 15 (fifteen) days after the filing of the request for reconsideration.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Executive Director or his/her designee, and responses from these two offices will be retained by the Park District for at least three years. The right of a person to a prompt an equitable resolution of the grievance filed shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the Department of Justice. Use of this grievance policy is not a prerequisite to the pursuit of other remedies. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that Bismarck Parks and Recreation District complies with the ADA and implementing regulations.

Approved by the Board of Park Commissioners on February 18, 2016.