

THE WOODLANDS TOWNSHIP

Title II ADA Grievance Procedures

Purpose:

The Woodlands Township is responsible for complying with Title II of the Americans with Disabilities Act (ADA). Title II of the ADA prohibits the Township from excluding or denying qualified persons with disabilities access to Township facilities or participation in Township services, programs or activities.

One component of the Township's compliance with the ADA is the development and implementation of procedures to ensure adequate tracking and investigation of grievances made under Title II. This administrative rule establishes procedures and forms for making grievances under Title II of the ADA.

Scope:

Any person who believes he or she has been unlawfully denied access to Township facilities, programs, services, benefits or activities based on his or her status as a qualified individual with a disability has the right to file a grievance under Title II of the ADA with The Woodlands Township.

These procedures apply to all Title II grievances against The Woodlands Township, outside of those within the purview of the Township's Transit programs and services, which have a comparable grievance or complaint procedure

These administrative procedures do not provide for compensatory or punitive damages for the grievant.

The Township's grievance procedure for Title II is not exclusive. This means that a person who files a grievance with the Township may also file a grievance with other state or federal agencies or the courts. Other agencies will have time limits for filing grievances. Generally, federal agencies require Title II grievances to be filed within 180 days of the date of the alleged discrimination.

Title II Grievance Procedures

Step 1 – Filing a Grievance

1. The Woodlands Township has established a grievance form for Title II grievances.
2. To be accepted, a Title II grievance must:
 - a) involve discrimination on the basis of the person's qualified disability;
 - b) allege that the discrimination was committed by The Woodlands Township or a The Woodlands Township agent or employee;
 - c) be filed within 60 days of the alleged occurrence or when the alleged occurrence becomes known to the grievant;
 - d) involve a The Woodlands Township facility, program, service, benefit or activity (exclusive of those involving a grant-funded Transit facility, program, service, benefit or activity).
3. Grievances should be filed with the ADA Coordinator.
4. Grievances must be in writing and signed by the grievant. If the grievant needs assistance in reducing the grievance to writing or signing it, he or she may request assistance from the ADA Coordinator or may have another person write and acknowledge the grievance on his or her behalf.
5. Grievances should include:
 - a) the name, address and phone number of the person who experienced the discriminatory action;
 - b) the date of the alleged act of discrimination or the date when the grievant(s) became aware of the alleged discrimination;
 - c) a brief but specific description of the discriminatory situation, practice or action and including any relevant facts.
6. The grievance should include names and contact information of any witnesses.
7. A grievance may be faxed or e-mailed and will be acknowledged and processed once the identity of the grievant and the intent to proceed with the grievance has been established. A grievance received by telephone will be reduced to writing on a grievance form and provided to grievant for confirmation or revision before processing.

8. The grievance form must be signed or acknowledged and sent to the ADA Coordinator for processing. The original copy may be sent, faxed or emailed to:

ADA Coordinator
2801 Technology Forest Blvd.
The Woodlands, Texas 77381
Fax 281-210-3970
swelbes@thewoodlandstowship-tx.gov

Step 2 – Processing a Grievance

1. Upon receipt of the grievance, the ADA Coordinator will determine whether or not:

- a) The Township has jurisdiction;
- b) The grievance is timely;
- c) The grievance is complete; and,
- d) Additional information is needed.

2. The ADA Coordinator will notify the grievant in writing within five (5) working days of receipt whether the grievance is accepted or not. If the grievance is not accepted, the ADA Coordinator will provide an explanation in writing. If the grievance is not accepted because additional information is needed, the grievant will be notified what information is needed. The grievant can then resubmit the additional information for review.

3. If the grievance is accepted, the Township will investigate the merits of the grievance and will attempt to resolve it.

4. Township departments that receive grievances directly are responsible for forwarding those grievances to the ADA Coordinator for intake.

Step 3 – Dismissing a Grievance

1. The Woodlands Township may dismiss a grievance for any of the following reasons:

- a) The grievant withdraws the grievance.
- b) The grievant fails to respond to repeated requests for additional information needed to process the grievance.
- c) The grievance is untimely.
- d) The grievant cannot be located.
- e) The grievance is determined to be legally insufficient.

Step 4 – Investigating and Tracking a Grievance

1. The ADA Coordinator will notify the grievant in writing within five (5) working days of the decision to accept or reject the grievance. Notification will include a case number assigned to the grievance.
2. If the parties are unable to resolve the grievance, the ADA Coordinator will investigate the grievance. The grievant will be provided a written decision on the grievance within sixty (60) working days of the acceptance of the grievance for investigation.

Step 5 – Appealing the Township’s Written Decision

1. The ADA Coordinator will only re-consider its decision regarding a grievance if new facts come to light, which were not previously available.
2. If the grievant is not satisfied with the written decision of the ADA Coordinator, the grievant has fourteen (14) working days from the date of the decision to provide the ADA Coordinator with written notice of intent to appeal.
3. The appeal shall be sent to the Township’s Assistant General Manager/Director, Community Services, no later than fourteen (14) days after the receipt of the written decision.
4. The Assistant General Manager/ Community Services shall issue a decision on the appeal within thirty (30) working days of the notice of intent to appeal, which shall be the final decision of the Township.