

THE WOODLANDS TOWNSHIP Transit Title II ADA Complaint 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 complaints made under Title II. This administrative rule establishes procedures and forms for making complaints 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 complaint under Title II of the ADA with The Woodlands Township.

These procedures apply to all Title II complaints against The Woodlands Township.

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

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

Title II Complaint Procedures

Step 1 – Filing a Complaint

1. The Woodlands Township has established a complaint form for Title II complaints.
2. To be accepted, a Title II complaint 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 complainant;
- d) involve a The Woodlands Township grant-funded Transit facility, program, service, benefit or activity, including any provided pursuant to contract with the Township.

3. Complaints should be filed with Transit Program Manager

4. Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Transit ADA Coordinator or may have another person write and acknowledge the complaint on his or her behalf.

5. Complaints 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 complainant(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 complaint should include names and contact information of any witnesses.

7. A complaint may be faxed or e-mailed and will be acknowledged and processed once the identity of the complainant and the intent to proceed with the complaint has been established.

A complaint received by telephone will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

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

The Woodlands Township
Attn: Township Transportation
2801 Technology Forest
The Woodlands, TX 77381
Fax 281-210-3499

Step 2 – Processing a Complaint

1. Upon receipt of the complaint, the Transit ADA Coordinator will determine whether:

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

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

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

4. Township employees or the Township's transit contractors receiving complaints directly are responsible for promptly forwarding those complaints to the Transit ADA Coordinator for intake.

Step 3 – Dismissing a Complaint

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

- a) The complainant withdraws the complaint.
- b) The complainant fails to respond to repeated requests for additional information needed to process the complaint.

- c) The complaint is untimely.
- d) The complainant cannot be located.
- e) The complaint is determined to be legally insufficient.

Step 4 – Investigating and Tracking a Complaint

1. The Transit ADA Coordinator will notify the complainant in writing within five (5) working days of the decision to accept or reject the complaint. Notification will include a case number assigned to the complaint.
2. If the parties are unable to resolve the complaint, the Transit ADA Coordinator will investigate the complaint. The complainant will be provided a written decision on the complaint within sixty (60) working days of the acceptance of the complaint for investigation.
1. 3. The Complainant will receive a determination letter within (21) days.

Step 5 – Appealing the Township’s Written Decision

2. If the Complainant is not satisfied with the written decision of the Transit ADA Coordinator, the complainant has sixty (60) working days from the date of the decision to provide the Transit ADA Coordinator with written notice of intent to appeal and to request a hearing, if desired . Said appeal (and any requested hearing) are limited to newly discovered information (whether witness testimony or documents) and any arguments supporting the appeal.
3. The Transit ADA Coordinator will only re-consider its decision regarding a complaint if new facts come to light, which were not previously available.
4. The appeal shall be sent to the Township’s Deputy Director, Community Services no later than sixty (60) days after the receipt of the written decision.
5. The Deputy Director, Community Services shall issue a decision on the appeal within sixty (60) working days of the notice of intent to appeal, which shall be the final decision of the Township.