

APPENDIX B

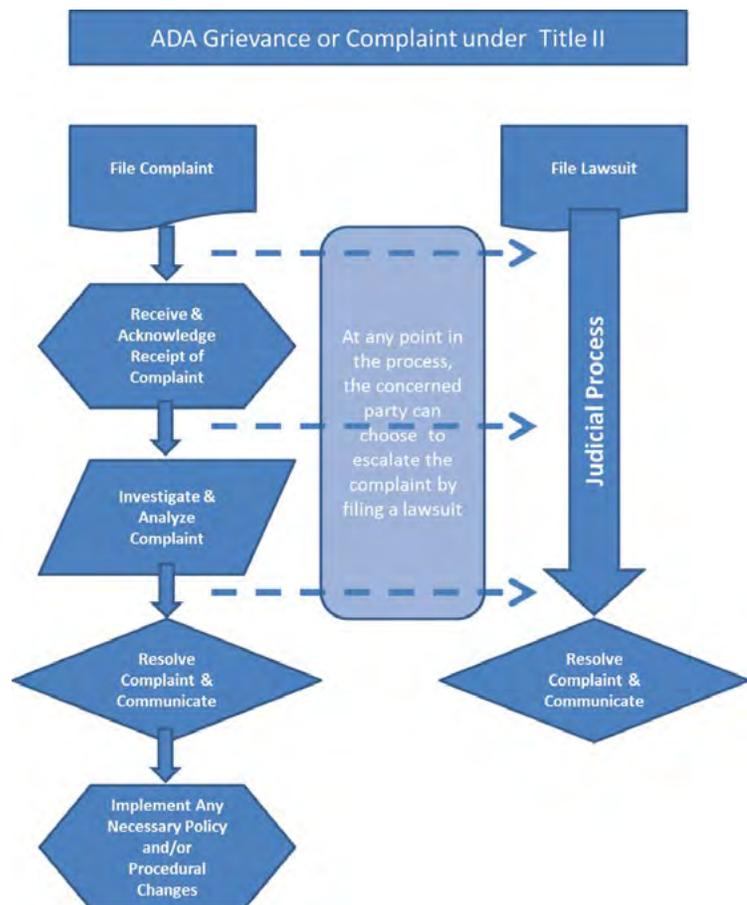
GRIEVANCE PROCEDURE AND ADA NONDISCRIMINATION POLICIES

The Oregon Department of Transportation (ODOT) is required to adopt and publish procedures for resolving grievances arising under Title II in accordance with 28 C.F.R § 35.107(b). These procedures set out a system for receiving, investigating and resolving complaints related to accessibility in a fair and timely manner.

ODOT's ADA grievance procedure is also available on ODOT's Office of Civil Rights website. If the concerned person needs assistance to comply with the requirements for filing a complaint, he may request assistance from the ADA Coordinator Rebecca Williams, or may have another person write and file the complaint on his behalf. Requested assistance may include requests for communications in formats other than written. Anonymous complaints are also accepted.

A Title II complaint must involve discrimination on the basis of the person's qualified disability to be considered valid. The diagram to the right illustrates the basic steps involved to file, receive, investigate and resolve a complaint.

More information about these steps follows. A complaint can be filed with any of the agencies listed later, but it should also be known that complainants do not need to complete this administrative process before pursuing resolution through the court system. A lawsuit can be filed at any point or instead of filing a complaint.



Complaints must be submitted in writing within 180 days of the alleged violation. In addition to being signed by the complainant, the following information should also be included:

- Full name and address of the individual who experienced the violation
- Day and evening telephone numbers and email address at which the complainant can be reached
- Name and address of the business, organization, institution or person believed to have discriminated
- Specific location of physical barriers related to complaint
- Brief description of the act(s) of discrimination, the dates occurred and the names of individuals involved
- Other information believed necessary to support the complaint, including copies of other documents considered relevant.



WHERE TO SEND COMPLAINTS:

A complaint can be submitted to any of the agencies listed here:

Office of Civil Rights

Rebecca Williams

ODOT ADA Title II Coordinator

Email: ODOT.TITLEVI@odot.state.or.us

Phone: 855-540-6655

For TTY: 711

Fax: 503-986-6382

Ask ODOT: 888-275-6368

Complaints will be reviewed to determine:

- Jurisdiction
- Timeliness
- Completeness
- Additional information



The ODOT ADA Coordinator will provide the complainant with a notification of acceptance within ten working days from the receipt of the complaint. If the complaint is filed against ODOT, the FHWA Division Office will review the complaint for completeness and notify the complainant.

Once a complaint is accepted, the ODOT ADA Coordinator will investigate the merits of the complaint. This investigation should conclude within 60 days. ODOT maintains a complaint log and each record contains the responses given and the steps taken to resolve the issue. A complaint may be dismissed for the following reasons:

- Complainant withdraws
- Complainant does not respond to requests for additional information necessary to process the complaint
- Complaint not received within 180 days of the alleged violation
- Lack of merit

Local governments that receive federal pass-through funds from ODOT are permitted to investigate complaints against the local agency in accordance with their ADA/Section 504 grievance procedures, but a complaint filed with ODOT about the local agency will be investigated by the ODOT ADA Coordinator.



Once the investigation of an accepted complaint concludes, the ODOT ADA Coordinator will report the findings to the complainant. The report should include:

- Name, address and contact information of the complainant
- Name and address of the organization or individual alleged to have discriminated
- Description of the act(s) of discrimination, the dates they occurred and the names of those individuals alleged to be involved
- Findings related to the act(s) based on the investigation, if substantiated and why or why not.
- Resulting actions that will occur if the alleged issue with accessibility is found to be substantiated.



Please be sure to let the investigating agency know if a specific format of communications is preferred or necessary, such as large print, Braille, e-mail or audio recording. Oral communications by videophone or TTY are also options.

Any individual not satisfied with the response to a complaint related to accessibility to a program, service or activities may appeal for review by the ODOT ADA Coordinator within ten business days of receiving the initial decision.

Reconsideration is only permitted if new facts are revealed. Retaliation by ODOT staff or any other government organization involved in a complaint is strictly prohibited. Any allegations of retaliation will be promptly and fully investigated.

