

Sample ADA Compliance Grievance Procedure

A board approved grievance procedure is meant to provide an internal mechanism for your organization to use in the event of a patron complaint.

Use this example as a guide when writing the grievance procedure for your organization's ADA plan.

Sample ADA Compliance Grievance Procedure

Presented here with permission from the State Theater.

This procedure is meant to provide an internal mechanism for the State Theatre to be used in the event of a complaint received from its public regarding accessibility. This procedure will also to assure commentary in reference to the organization's policies concerning ADA compliance. Every effort will be made to satisfy the complainant at the earliest stages of interaction, based upon the organization's increasing capacity to provide for full physical and programmatic access.

Information Gathering

The Access Liaison (General Manager) will communicate with the complainant to determine the nature of the complaint, and create an open dialogue with the complainant. Depending upon the location of the complaint, other staff may be involved in this initial process. The goal of this exchange is to address the complainant's need as quickly and positively as possible, within the scope of the organization's ability to meet that need, and to use that information to assess future needs determinations. The Access Liaison will document all information received.

Complainant Unsatisfied

Following the Initial Interview, if the client is not satisfied by the initial information gathering process/interview, the Access Liaison will encourage the complainant to participate in additional mediation which would include the particular State Theatre manager of the location where the complaint occurred.

If the client is not satisfied by the above additional mediation, the Access Liaison will assist the client in preparing a written description of the problem, which will be presented for review to the organization's ADA Advisory Committee (This will need to be developed, and should contain at least the Board Chair or other legal representative, and the Vice President of Programming and Operations). This complaint must include:

- Name, Address, telephone number of complainant
- Detailed description of complaint, including date and time
- Location of access barrier
- Client's recommendation for resolution
- Written Complaint

The Access Liaison will assure the complainant that the purposes of the Advisory Committee's review is to ensure that a solution is devised that will meet the needs of the client to the best of its ability. This will be done within established programs and facilities, and the committee will consider establishing new policies, programs and facility improvements to ensure this success.

Reviews of Written Complaint

Review of the complaint will take place within 30 (thirty) days after receipt of written complaint. The committee will consider:

Is the complaint valid? Was access denied?

What were the circumstances of the denied access?

Is this a standard or unusual condition?

Was lack of access a result of policy, and if so, is a new policy warranted?

What must happen for access? Are there possible alternatives?

Are there any mitigating factors that would limit resolution to the problem?

What is to be done to assure success in the future? Will the solution demand funding? If so, how will it be funded and on what timeline?

What follow-up should be done with complainant and by whom?

The complainant must be assured that the recommendations of the committee will be presented to the Board of Trustees of State Theatre. The complainant is required to sign the recommendation(s) as acceptable to him/her, agreeing that if the recommendation is followed, the matter is therefore closed.

Resolution of Complaint

At the next appropriate Board of Trustees meeting, the recommendations of the Advisory Committee for resolution are presented, and a decision is made based upon that recommendation to allocate existing funds and resources and/or to include the recommendations as part of ongoing resource development.

All staff are then notified by the Access Liaison of the nature of the grievance and its resolution. The recommended solution is implemented.