

Cumberland County Cultural & Heritage Commission's ADA Grievance Procedure

This procedure is defined for use in the event that the Cumberland County Cultural & Heritage Commission receives a complaint from the public in response to its action or inaction as it endeavors to comply with the Americans with Disabilities Act of 1990. All concerns voiced by the public will be considered as serious and will be addressed and documented. The purpose and goal of this Grievance Procedure is to:

- ▶ Resolve problems with the limits of the organization's resources;
- ▶ Determine a solution that is mutually acceptable to the complainant and the organization;
- ▶ Recommend later solutions that permit greater access;
- ▶ Provide a forum for the public discussion of concerns.

Committee

The Cultural & Heritage Commission's standing ADA Advisory Committee will also serve as a Grievance Committee. This committee includes the Executive Director acting as the ADA Coordinator for the Commission and one Cultural & Heritage Commission member. Additionally, the Committee includes at least two current members of the County's Disabled Advisory Council and the Director of the County's Aging & Disability Resource Connection.

Step One

The Executive Director/ADA Coordinator will meet with the complainant on an informal basis to determine the nature of the concern, discuss the issue, and answer any questions the individual may have. This meeting is to be conducted in a positive atmosphere.

The complainant will receive a copy of the Cultural & Heritage Commission's ADA Plan.

If the Executive Director/ADA Coordinator determines that immediate action can be taken permitting access in the manner requested by the complainant, it shall be done under the authority of the Executive Director.

The Executive Director/ADA Coordinator will document the problem and the resolution. That documentation will be reported to the Board of Trustees at the next scheduled meeting. That report will become part of the official proceedings and record of the meeting.

Step Two

If an immediate and satisfactory solution is not found and the individual complainant wishes to lodge a formal complaint, the Executive Director/ADA Coordinator will assist the complainant to prepare a written description of the problem. The complainant will be advised that the written

complaint will be submitted to the Grievance Committee and the committee members' names will be given to the complainant at that time. The written description must include:

- ▶ Contact information: complainant's name, address, phone number(s), e-mail;
- ▶ Description: nature of the complaint in detail;
- ▶ Location/Time: when and where the person was denied access;
- ▶ Request: what the complainant believes could or should be done and how this recommendation would resolve the issue.

The Executive Director/ADA Coordinator will notify the Advisory Committee of the complaint and forward a copy of the written complaint to the Grievance Committee members.

Step Three

The Executive Director/ADA Coordinator will call a meeting of the Grievance Committee, which the complainant will attend. The meeting will take place in a barrier-free location, within one (1) month of the filing of the complaint (schedules permitting) but no more than sixty (60) days after the complaint is filed.

The meeting's agenda shall include:

- ▶ Presentation by the complainant
- ▶ Discussion
- ▶ Recommendations for resolution
- ▶ Timeline for implementation
- ▶ Follow-through assigned to one committee member
- ▶ Committee vote on the recommendation

Committee consideration in preparing their recommendations and fundings:

- ▶ Merit of complaint: Is the complaint valid, was access denied?
- ▶ Circumstances: Why was access not possible, what created that condition?
- ▶ Condition: Is this a condition that is standard or unusual to the situation (e.g. interpreter cancelled last minute)?
- ▶ Policy: Did the lack of access result from an existing policy, is a new policy warranted?
- ▶ Solution: What must happen to allow access, what alternatives exist?
- ▶ Mitigating Factors: Are there conditions, resources, and limitations that must be considered? Do these conditions prevent a resolution; how, why?
- ▶ Recommendations: Which solution is to be employed, who will carry out the solution, is funding required, where is funding coming from, what is the timeline for implementation?
- ▶ Follow-up: Is any further contact with the complainant required? If so, how?

The complainant is advised that the recommendations will be presented to the Board of the Cultural & Heritage Commission, which will vote on the recommendations, especially when a

policy statement or funding allocation is sought. The complainant will be required to sign the recommendation to be submitted to the Board as acceptable to them and agreeing that if the recommendation(s) is followed, the matter is closed.

Step Four

The Grievance Committee's findings and recommendations will be forwarded to the same committee members who received the original complaint and to the complainant.

At the next regularly scheduled meeting of the Cultural & Heritage Commission, the recommendation(s) will be presented for vote and acceptance of the findings.

In the event the Board does not accept the recommendation or findings, the complainant will be notified and the Grievance Committee reconvened.

Provided the Board accept the recommendations, said recommendations will be implemented and incorporated into the Cultural & Heritage Commission's future ADA Plan.

If the complainant remains unsatisfied the issue will be forwarded to Cumberland County's ADA Coordinator for further action.

Resolution # 2018-01
RESOLUTION OF THE CUMBERLAND COUNTY CULTURAL & HERITAGE
COMMISSION
Adopting its Americans with Disabilities Act (ADA) Plan: 2018-2021 &
Commission ADA Grievance Procedure

WHEREAS the Cumberland County Cultural & Heritage Commission (hereinafter “Commission”) receives funding from the New Jersey State Council on the Arts for its arts re-grant program and for general operating support, and;

WHEREAS a condition to receive such funds is compliance with the Americans with Disabilities Act and any other related federal, state or local regulations, and;

WHEREAS the Commission makes every good faith effort to enhance programming and access for persons with disabilities, and;

WHEREAS the Commission has completed a self-assessment of its organizational policies and practices, employment practices, grievance procedures, programming, communications, and facility access as they relate to standards established under the Americans with Disabilities Act (ADA) ;

NOW THEREFORE BE IT RESOLVED as follows:

1. The Cumberland County Cultural & Heritage Commission hereby adopts The Americans with Disabilities Act (ADA) Plan: 2018-2021;
2. The Cumberland County Cultural & Heritage Commission hereby adopts an ADA Grievance Procedure;
2. A copy of the adopted plan and grievance procedure be sent to the New Jersey State Council on the Arts for its record and acceptance.

Motion made by: John Garrison

Motion seconded by: Roy Kaneshiki

5-3-18

DATE



Maria Cerda-Moreno, Chair