



TOWN OF HARWICH, MASSACHUSETTS

Title II of the Americans with Disabilities Act Grievance Policy and Procedure

GRIEVANCE POLICY

The Town of Harwich (Town) is committed to ensuring that people with disabilities are able to take part in and benefit from, the variety of public programs, services, and activities offered by the Town. The Town continues to modify its facilities, programs, policies, or practices, as necessary to ensure such access is provided.

ADA GRIEVANCE PROCEDURE

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), and ADA Amendments Act of 2008, the Town of Harwich does not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, activities or employment opportunities.

Title II of the Americans with Disabilities Act requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of grievance. The purpose of this ADA grievance procedure is to resolve as promptly as possible any problems, grievances, or conflicts related to the Town's ADA compliance without the need for the grievant to resort to other remedies available under the law.

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1. Who may file a grievance?

You or your authorized representative may file an ADA grievance if you believe that:

- The Town is not in compliance with the physical access requirements of the Americans with Disabilities Act related to its public facilities, land, or right-of-ways, or
- You or a specific class of individuals have been denied access to participate in Town programs, services, or activities on the basis of disability, or
- You or a specific class of individuals have been otherwise subjected to discrimination on the basis of disability by the Town of Harwich, or
- The Town has otherwise violated the ADA.

2. When should a grievance be filed?

Before filing a grievance, you may seek informal resolution by contacting the [Harwich ADA Coordinator](#). If your informal concern is not resolved in a timely fashion, you may file a formal grievance under this procedure.

You are encouraged to file your grievance as soon as possible within 60 business days.

3. What should the grievance include?

The grievance should be in writing and contain information about the grievance, submission date, name, address, telephone or cell phone number of grievant, location, date and description of the problem. An alternate means of filing grievances, such as personal interviews or audio recording of the grievance, will be made available for people with disabilities upon request.

The ADA Coordinator has a [grievance form](#) available for your convenience.

4. What if I need assistance filling out my grievance?

ADA grievances may be filed by mail, telephone, or email. Assistance is available from the [Harwich ADA Coordinator](#).

5. What happens after I file my grievance?

After receiving your grievance, the ADA Coordinator will investigate within 15 business days. The investigation may include you and any other person(s) the investigator believes to have relevant knowledge concerning your grievance. The investigator will also consider any written evidence submitted.

After completing the investigation, the investigator will review the factual information gathered. The ADA Coordinator will then issue a written response.

6. When will I receive a response?

The ADA Coordinator will provide a response within 15 business days.

7. Should I be concerned that a Town officer or employee might retaliate against me if I complain?

The Town does not retaliate against you for filing a grievance and does not permit retaliation by its officers or employees. Please notify the ADA Coordinator of any retaliation.

8. What can I do if I am not satisfied with the initial investigation by the ADA Coordinator?

If you are not satisfied with the response you may submit an appeal within 15 business days of your receipt of the response to the Town Administrator stating the reasons for the appeal.

Within 15 business days after receipt of the appeal the Town Administrator will meet with the grievant to discuss a resolution. Within 15 business days after the meeting, the Town Administrator will respond with a resolution.

If you are not satisfied with the response you may submit an appeal within 15 business days of your receipt of the response to the Harwich Select Board. The Board will schedule a hearing for the appeal at its regularly schedule meeting.

ADA Coordinator/Assistant Town Administrator:

Jim Mulcahy
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Harwich, MA. 02645

Phone: 508-430-7513

Email: james.mulcahy@harwich-ma.gov

Town Administrator:

Jay McGrail
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Harwich, MA. 02645

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If you are not satisfied with the results of the appeal, you may file a complaint with the appropriate agency or department of the State or Federal government. Contact the U.S. Department of Justice, the U.S. Department of Education Office for Civil Rights, or the Massachusetts Attorney General's Office for information about how to file a complaint with these agencies.

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of the grievance, the Town encourages you to use this procedure in addition to any other available alternatives you may choose.

9. How long are grievances kept?

All grievances and appeals received by the Town of Harwich will be kept by the Town for at least three (3) years.