

CLEVELAND PUBLIC LIBRARY

Board Meeting

June 19, 2018

RESOLUTION ADOPTING SECTION 504/TITLE II GRIEVANCE PROCEDURE

WHEREAS, The Cleveland Public Library strives to be the center of learning for a diverse and inclusive community and to offer its patrons, regardless of disability, access to a variety of services and resources to improve their personal and professional lives; and

WHEREAS, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act of 1990 (the "ADA") both prohibit discrimination on the basis of disability, and both pieces of legislation require that institutions adopt a procedure for addressing complaints by members of the public who feel that their rights have been violated; and

WHEREAS, The ADA requires public entities such as the Library to publish a notice to Library users informing them of their rights under the ADA; and

WHEREAS, In order to comply with Section 504 of the Rehabilitation Act and with Title II of the ADA, the Library Administration has crafted a Section 504/Title II Grievance Procedure and Notice under the ADA for consideration by the Board of Library Trustees, which are attached as exhibits to this Resolution; now therefore be it

RESOLVED, That the Board of Trustees of the Cleveland Public Library hereby approves the Section 504/Title II Grievance Procedure and Notice under the Americans with Disabilities Act, as attached, to be effective June 20, 2018.



CLEVELAND PUBLIC LIBRARY

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SECTION 504/TITLE II GRIEVANCE PROCEDURE

Purpose

The Cleveland Public Library (the “Library”) has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This grievance procedure may be used by anyone who wishes to file a formal complaint alleging a failure to accommodate and/or discrimination on the basis of a disability in the provision of services, activities, programs, or benefits by the Library.

Making a Grievance

Grievances made pursuant to this procedure should be in writing and must contain the following information about the alleged discrimination:

- Name of grievant;
- Grievant’s address, telephone number, and/or email address;
- Description of the issue/alleged discrimination;
- Date that the issue/alleged discrimination occurred;
- Location where issue/alleged discrimination occurred; and
- Description of the solution sought.

Alternative means of filing complaints, such as personal interviews or a tape recording of the grievances, will be made available for persons with disabilities upon request.

Grievances should be submitted as soon as possible, but in no event later than sixty (60) calendars after the alleged discrimination occurred. All grievances should be directed to:

Section 504/Title II Coordinator
Cleveland Public Library
325 Superior Avenue
Cleveland, Ohio 44114
(216) 623-2810
ada@cpl.org

Investigation and Response

Within thirty (30) calendar days after receipt of the grievance, the Section 504/Title II Coordinator or his designee will investigate the grievance and will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen (15) calendar day of the meeting, the Section 504/Title II Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the grievant. The response will explain the position of the Library and will offer options for substantive resolution of the grievance.

Appeals Process

If the response by the Section 504/Title II Coordinator or his designee does not satisfactorily resolve the issue, then the grievant may appeal the decision within fifteen (15) calendar days after the receipt of the response to the Library's Executive Director, CEO or his designee.

Within thirty (30) calendar days after receipt of the appeal, the Executive Director, CEO or his designee will meet with the grievant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Executive Director, CEO or his designee will respond in writing, and where appropriate, in a format accessible to the grievant, with a final resolution to the grievance.

Records Retention

All written grievances received by the Section 504/Title II Coordinator, appeals to the Executive Director, CEO, and responses from both offices will be retained by the Library for at least five (5) years from the date of final disposition of the grievance.

Employment-Related Grievances

Employment-related grievances of disability discrimination are covered by the Library's Human Resources Manual.



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NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), as amended, and 28 CFR 35.106, the Cleveland Public Library gives notice that it will not discriminate against qualified individuals with disabilities on the basis of disability in providing services, programs, and activities.

Employment: The Cleveland Public Library does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Cleveland Public Library will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that information is accessible and individuals who have speech, hearing, or vision impairments can participate equally in the Commission’s services and activities.

Modifications to Policies and Procedures: The Cleveland Public Library will make reasonable modifications to policies and programs to allow people with disabilities to have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Cleveland Public Library’s facilities, even where pets are generally prohibited.¹

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures in order to participate in a Cleveland Public Library service, program, or activity should contact the Cleveland Public Library’s ADA Coordinator as soon as possible, but no later than three working days before the start of the service, program, or activity. The ADA does not, however, require the Cleveland Public Library to take any action that would fundamentally alter the nature of its services, programs, or activities, or impose an undue financial or administrative burden.

Complaints that a service, program, or activity of the Cleveland Public Library are is not accessible to persons with disabilities should be made pursuant to the Cleveland Public Library’s Section 504/Title II Grievance Procedure and directed to:

¹ “Service animal” means any dog, and in some cases, a miniature horse, that is individually trained to do work or perform tasks for the benefit of an individual with a disability. “Service animal” does not apply to dogs or other animals whose sole function is to provide comfort or emotional support.

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The Cleveland Public Library will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications to policies or procedures.