

AMERICANS WITH DISABILITIES ACT TRANSPORTATION PLAN

Including policies regarding General ADA Requirements, Reasonable Modifications,
No Shows, and a Suspension Appeals Process

for

Mountain Valley Developmental Services

Approved by:

Sara Sims, Executive Director

Date Approved:

July 31, 2024

ADA Contact Information

Name & Title: John Klausz, Transit Director

Mailing Address: 700 Mount Sopris Drive, Glenwood Springs, CO, 81601-81602

Phone Number: 970-945-2306

Email Address: jklausz@mtnvalley.org

Reasonable Modification Contact Information

Name & Title: John Klausz, Transit Director

Mailing Address: 700 Mount Sopris Drive, Glenwood Springs, CO, 81601-81602

Phone Number: 970-945-2306

Email Address: jklausz@mtnvalley.org

I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Mountain Valley Developmental Services operates a demand-response service and complies with ADA requirements with respect to such services.

ADA Policy Statement

It is the policy of Mountain Valley Developmental Services to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transportation team provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transportation team employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets the following goals:

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Accommodates a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transportation team staff, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

II. General Guidance and Procedures for Implementing Policy

Recruitment and Employment

As stated in the transportation team's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

Facility and Vehicle Accessibility

The transportation team administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Colorado. If state requirements do not meet federal requirements, the federal ADA regulations prevail. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transportation team will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment

The demand response system of Mountain Valley Developmental Services, when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Mountain Valley Developmental Services provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided to other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

Maintenance of Accessible Features

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of Mountain Valley Developmental Services provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

Inoperative Lifts and Ramps

Transportation team trained staff are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service or reassigned and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transportation team will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38.

Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), Mountain Valley Developmental Services will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, trained staff are not permitted to operate a passenger's wheelchair (i.e. a motorized wheelchair). The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding

Trained staff and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a

properly trained staff can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement

Mountain Valley Developmental Services requires that all wheelchairs be secured. Trained staff should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. Trained staff cannot deny a passenger a ride based on the inability to secure the wheelchair unless legitimate safety requirements cannot be met. However, trained staff must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the trained staff. Staff are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Trained staff will listen to and respect riders' instructions on how to secure their equipment. Trained staff cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the trained staff on how to properly secure their mobility device.

If the securement system is not compatible with the wheelchair the passenger is using, the trained staff will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride in the vehicle.

Trained staff must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a wheelchair, the trained staff will ask that passenger to allow the individual using a wheelchair to use the securement position.

Seat Belt Usage

When riding in a Mountain Valley Developmental Services vehicle, seat belts:
Are required for ALL passengers.

Driver Assistance

Trained staff will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Trained staff will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

Use of Lift or Ramp by Individuals Not Using a Mobility Device

The trained staff will deploy the lift or ramp for any individual, with or without a disability who is not using a mobility device to board or alight the vehicle upon request.

Accommodation of Other Mobility Devices

Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Trained staff may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

Service Animals

In compliance with 49 CFR Part 37, the transportation team allows trained service animals to accompany passengers with disabilities. The trained staff will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. Mountain Valley Developmental Services does not impose species or breed restrictions. However, any animal which is not under the passenger's control, or which becomes a direct threat to the health or safety of other passengers may be restricted from riding. Emotional support animals or "comfort animals" are not service animals within the context of the US DOT ADA regulations.

Alighting

It is the responsibility of the trained staff to determine that the location for passenger alighting is safe. Only the trained staff will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

Staff Training

All program staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Personal Care Attendants

Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

Complaint Procedure

All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the Director of Adult Services and promptly and objectively investigated. Complaints are also be submitted to the state DOT Civil Rights Office.

Mountain Valley Developmental Services will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

Reasonable Modification Policy

The purpose of the reasonable modification policy is to ensure that Mountain Valley Developmental Services offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Mountain Valley Developmental Services is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Mountain Valley Developmental Services recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Mountain Valley Developmental Services will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Mountain Valley Developmental Services does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Mountain Valley Developmental Services will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Mountain Valley Developmental Services, or be subject to discrimination by Mountain Valley Developmental Services.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Mountain Valley Developmental Services will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- ◆ Making the accommodation would fundamentally alter the nature of the public transportation service.
- ◆ Making the accommodation would create a direct threat to the health or safety of other passengers.

- ◆ The individual with a disability is able to fully use Mountain Valley Developmental Services Services' service without the accommodation being made.
- ◆ Making the accommodation creates an undue financial burden on the transportation team.

ELIGIBILITY CRITERIA

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- ◆ A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- ◆ A record of such impairment
- ◆ Or has been regarded as having such impairment.

REQUESTS FOR REASONABLE MODIFICATION

Mountain Valley Developmental Services shall make information about how to contact Mountain Valley Developmental Services to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Mountain Valley Developmental Services shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Mountain Valley Developmental Services will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Mountain Valley Developmental Services requests that individuals make such requests for modifications before Mountain Valley Developmental Services is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Mountain Valley Developmental Services's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

INTERACTIVE PROCESS

When a request for accommodation is made, Mountain Valley Developmental Services and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Mountain Valley Developmental Services must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Mountain Valley Developmental Services will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Mountain Valley Developmental Services recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

GRANTING A REASONABLE MODIFICATION REQUEST

As soon as Mountain Valley Developmental Services determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Mountain Valley Developmental Services shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Mountain Valley Developmental Services determines that a request for reasonable accommodation will be denied, Mountain Valley Developmental Services will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- ◆ The specific reasons for the denial;

- ◆ Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- ◆ The opportunity to file a complaint relative to the Mountain Valley Developmental Services decision on the request.

COMPLAINT PROCESS

Mountain Valley Developmental Services has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Mountain Valley Developmental Services website and will be provided to any individual where the Mountain Valley Developmental Services has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes they have been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Mountain Valley Developmental Services Reasonable Modification Complaint Form. Mountain Valley Developmental Services investigates complaints received no more than 30 days after receipt. Mountain Valley Developmental Services will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgment of receipt. If more information is needed to resolve the complaint, Mountain Valley Developmental Services may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Mountain Valley Developmental Services.

If Mountain Valley Developmental Services is not contacted by the complainant or does not receive the additional information within 30 business days, the Mountain Valley Developmental Services may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Mountain Valley Developmental Services investigates the complaint, a decision will be rendered in writing to the complainant. Mountain Valley Developmental Services will issue either a Letter of Closure or Letter of Finding.

- ◆ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Mountain Valley Developmental Services to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why Mountain Valley Developmental Services has determined that the complaint does not merit

accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Mountain Valley Developmental Services, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Mountain Valley Developmental Services.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

DESIGNATED EMPLOYEE

Mountain Valley Developmental Services shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

John Klausz
Mountain Valley Developmental Services
700 Mount Sopris Drive, Glenwood Springs, CO, 81601-81602
970-945-2306

RECORD RETENTION

Mountain Valley Developmental Services will maintain all records related to reasonable modification requests for at least three (3) years.

No Show Policy

This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip. This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

DEFINITIONS

No-show – Any passenger who is unavailable for pick-up of a scheduled trip that has not notified Mountain Valley Developmental Services to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

NO-SHOW PROCEDURE

The transit operator will wait for passengers for 5 minutes beyond the early arrival pick-up time window. The transit operator will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 5 minutes, the transit operator must contact the Direct Supervisor with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Direct Supervisor has the responsibility to determine if the transit operator is to continue without the passenger.

Scheduled trips are to be canceled at least one (1) hour prior to the time of the trip request. Any scheduled trip not canceled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact Mountain Valley Developmental Services as soon as possible following the missed trip and a new trained staff will be dispatched as soon as possible if applicable.

HABITUAL NO-SHOW PROCEDURE

Passengers who have no-shows equal to or greater than 50% of the scheduled trips in a thirty (30) day period will be provided a written warning. In order to be subject to a warning or suspension, a passenger must have booked a minimum of three (3) trips or more in a calendar month. Example: If a passenger books five (5) trips and no-shows 50% of the time, they will be in violation of the no-show policy and subject to the progressive corrective action plan.

A passenger will be subject to the progressive corrective action plan only if both the minimum number of trips booked and the minimum number of no-shows are reached during a calendar month.

The length of a passenger's suspension will adhere to the progressive corrective action plan described as follows:

- If an individual violates the no-show policy a meeting will be scheduled with their case manager and team to discuss future transportation.

All penalties imposed under this policy are first subject to an appeals process (see Grievances and Complaint form). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

Mountain Valley Developmental Services will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

Subscription/Standing Order reservations may be denied upon a second suspension in any consecutive 12-month period. Privileges may be reinstated without guarantee of the original subscription/standing order.

Grievances/Complaints – MVDS PASA

Policy

Mountain Valley shall afford all persons served (and/or their authorized representatives) with easily accessible opportunities to request reconsideration of any decision with which they may disagree, the ability to seek additional or modified services and supports which may be desired, or otherwise seek resolution to concerns or express dissatisfaction. The ability to seek resolution to concerns shall be considered to be a right of persons served and/or their family and shall be treated accordingly by all MVDS PASA staff. Notification of grievances/complaints procedures shall be provided through a language or other modes of communication which are understood by the person served/parent guardian/authorized representative. The use of the Grievance/Complaint services by a person in services, or their family, shall not prejudice the future provisions of appropriate services or supports.

Procedure

1. The Grievance/Complaint Procedure will be handed out to individuals, guardians, legal representatives at the time of application, enrollment, annually at the Annual IP, and any time the policy is changed. The information will be provided orally and in writing.
2. MVDS PASA staff shall attempt to resolve differences with persons served in a friendly and, to the fullest extent possible, informal manner.
3. Concerns and requests of persons served and/or their authorized representatives shall be addressed in a considerate and respectful manner.
4. A review of the grievance/complaint will be conducted on a mutually agreed upon date scheduled within five days of receipt.
5. MVDS PASA staff shall be available to assist persons served and/or their authorized representatives in exercising their right to seek resolution to their concerns. A Complaint Form is available to families, guardians, and persons being served to document their complaint, or the complaint can be taken orally by MVDS PASA staff. The complaint is then logged on the Complaint Log by MVDS PASA staff. Once the complaint is resolved and resolution is documented in the complaint log the Executive Director will analyze all complaints on no less than a quarterly basis for trends analysis.
6. MVDS PASA staff shall attempt to address requests or achieve mutually acceptable solutions to disagreements at the closest possible organizational level to the delivery of the service or support for which the request is being made.
7. If resolution is not achieved through informal means at the direct service or program level within 10 business days, the grievance or complaint will be given to the PASA management staff members including the Executive Director who shall avail themselves to attempt resolution within an additional 10 business days.

8. Should the person served or family request third party assistance to achieve resolution, MVDS PASA staff will facilitate access to mediation or other external assistance such as the ARC, or Disability Law Colorado, and will participate in the process of mediation. Contact information for Disability Law Colorado is: phone 970-241-6371, and The Arc of the Central Mountains, phone number 970-456-2065. The Program Director or their designee shall coordinate the meeting with the external party, person served and family within 10 business days of the request by the person served and/or their authorized representative.
9. Written procedures of actions to be taken to resolve the complaint will be provided to the person served and authorized representative and distributed within five business days of the resolution. Residential Agreement March 2021
10. All people affiliated with Mountain Valley Developmental Services shall exercise good-faith efforts to comply with decisions resulting from the invocation of the above procedures. No individual shall be coerced, intimidated, threatened, or retaliated against for the use of the grievance/complaint procedure

ADA/Title VI Complaint Form

Background

This form is used for both Title VI and Americans with Disabilities Act (ADA) complaints.

The Civil Rights of 1964 (Title VI) identifies the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. If any of the Limited English Proficient (LEP) populations in our service area meet the Safe Harbor threshold, then the procedure will be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Mountain Valley Developmental Services is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 (Title VI) as well as providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA/Title VI Coordinator at 970-945-2306. **Once completed, return a signed and dated copy to:**

John Klausz, Transit Director
700 Mount Sopris Drive, Glenwood Springs, CO, 81601-81602

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call 970-945-2306.

Please check one of the following below:

ADA Complaint or **Title VI Complaint**

Part I.

Name: _____

Address: _____

Telephone: _____

Email Address: _____

Additional Formats Needed:

- None TDD
 Large Print Audio Tape
 Other

Part II.

Are you filing this complaint on your own behalf?

- Yes – Proceed to Part III
 No – Please provide the name of and your relationship with this person:

Name of Individual: _____

Your Relationship: _____

Please explain why you have filed for a third party:

Confirm:

- I have obtained permission of the aggrieved party to file this form on his or her behalf.
 I have not confirmed permission to file this form on behalf of the aggrieved party.

Part III.

I believe the discrimination I experienced was based on:

<u>Title VI</u>	<u>ADA</u>
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin	<input type="checkbox"/> Disability

Other: _____

Date of the alleged discrimination: _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.

Part IV.

Have you previously filed an ADA and/or Title VI complaint with this agency?

- Yes
- No

Part V.

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

- Yes
- No

If yes, check all that apply:

- Federal Agency Federal Court
- State Agency State Court
- Local Agency

Please provide the contact information for a person at the agency or court where the complaint was filed:

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Email: _____

Part VI.

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

Important Notice: To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below.

Signature of Person Filing Complaint

Date