

# **Your Rights under the Americans with Disabilities Act (ADA) 1990**

## **ADA Title II Disability Discrimination Policy for Marion County Tennessee**

**Responsible Office: ADA/Section 504 Coordinator, Marion County Mayor's Office**

### **Abbreviations: Americans with Disabilities Act (ADA)**

**AUTHORITY:** Section 504 of the Rehabilitation Act of 1973. The Americans with Disabilities Act of 1990 as amended. T.C.A. S 4-3-2303. Federal ADA Title II regulations regarding public entities defined in 28 CFR Part 35. If any portion of this policy conflicts with applicable state or federal laws and regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

**PURPOSE:** The purpose of this plan is to state Marion County's plan of non-discrimination on the basis of disability<sup>(1)</sup> of individuals for participation in or for receiving the benefits of services, programs, or activities or for access to or use of facilities owned or controlled by Marion County. Marion County also seeks to make available to individuals who may desire relief under this policy notice of the procedure through which they may request a reasonable accommodation or, in the alternative request a remedy for discrimination as defined by Title II of the Americans with Disabilities Act.

**APPLICATION:** All qualified individuals with a disability seeking and meeting the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Marion County, or access to or use of facilities under the ownership or control of Marion County.

**DEFINITIONS:** "Qualified Individual" means an individual who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Marion County, or for access to or use of facilities under the ownership or control of Marion County.

**POLICY:** It is the policy of Marion County to prohibit discrimination against any qualified individual on the basis of disability in regards to the admission or access to, or treatment in, its programs, services or activities or accessibility to facilities within its ownership or control. Marion County shall

comply with applicable requirements of Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Basis of Disability in State and Local Government Service," as well as any other applicable law pertaining to disability non-discrimination.(2)

It is the policy of Marion County to operate each service, program, or activity so that the service, program, or activity when viewed in its entirety, is readily accessible to and usable by qualified individuals with disabilities. Furthermore, it is the policy of Marion County that no qualified individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of the Marion County or be subjected to discrimination.

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*1 Note: While Marion County is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the County and individuals seeking receipt of services or participation in programs or activities provided by the State. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this document and its contents constitute ONLY the policy of Marion County. A finding of a violation of this policy does not mean that the conduct violates state or federal civil rights laws.*

**PROCEDURE:** Marion County hereby adopts the "ADA Title II/Section 504 COMPLAINT FORM," the attached "ADA TITLE II/SECTION 504 ACCOMODATION REQUEST FORM," as well as the following request and complaint reporting procedures.

Marion County will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

**HOW TO REQUEST ADA ACCOMODATION:** A qualified individual with a disability may request reasonable accommodations in circumstances where accommodation do not currently allow the individual the same opportunity for participation in or receipt of the benefits of services, programs, or activities, or access to or use of facilities provided to individuals without disabilities. Qualified individuals with a disability (or a person acting on behalf of such qualified individuals) may make requests for reasonable accommodations or accessibility by contacting the ADA/Section 504 Coordinator listed below and completing the attached "ADA TITLE II/SECTION 504 ACCOMODATION REQUEST FORM" and submitting it to:

**Denise Mason, ADA/Section 504 Coordinator**  
**Marion County Mayor's Office**  
**Marion County Courthouse**  
**PO Box 789**  
**1 Courthouse Square**  
**Suite 105**  
**Jasper, TN 37347**  
**Phone: 423 942 2552**  
**Fax: 423 942 1327**  
[dmason@marioncountyttn.net](mailto:dmason@marioncountyttn.net)

**HOW TO REPORT DISABILITY DISCRIMINATION INCIDENTS:** If a qualified individual with a disability believes he/she has been subjected to conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs but no later than 90 calendar days of the alleged occurrence. Qualified individuals with a disability (or a person acting on behalf of such qualified individuals) may file a complaint by contacting the ADA/Section 504 Coordinator above and completing the attached "ADA TITLE II/SECTION 504 COMPLAINT FORM" and submitting it to the ADA/Section 504 Coordinator listed above. Upon receipt of the complaint the ADA/Section 504 Coordinator will verify its acceptability and any need for additional information, as well as investigate the merit of the complaint. In order to be accepted, a complaint must meet the following criteria:

- A. The complaint must be filed within 90 calendar days of the alleged occurrence or when the alleged occurrence became known to the complainant.
- B. The allegation(s) must involve a program, service, activity, or facility of Marion County.
- C.

A complaint may be dismissed for the following reasons:

- A. The complaint was not timely filed under this policy.
- B. The complainant requests the withdrawal of the complaint.
- C. The complainant fails to respond to requests for additional information needed to process the complaint.
- D. The complainant cannot be located after reasonable attempts.

**HOW COMPLAINTS ARE INVESTIGATED AND RESOLVED:** Generally, an investigation of a complaint will include an interview with the complainant to determine if there is a violation of this policy. Once Marion County ADA/Section 504 Coordinator accepts the complaint for investigation, she/he (or her/his designee) will conduct a thorough and neutral investigation of all reported complaints of disability discrimination or Title II violations under the meanings and authority of this policy as soon as practicable. All interested persons will be afforded an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Marion County relating to such grievances. At the conclusion of an investigation, recommendations will be made to the administration to remedy any confirmed violation of this policy. Marion County ADA/Section 504 Coordinator will send a copy of the original complaint filed and a letter concerning the findings and remedy chosen, if applicable to the complainant(s) within (90) ninety calendar days of the acceptance of the complaint.

- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Marion County Mayor within 15 days of receiving the Section 504 Coordinator's decision. The Marion County Mayor shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.