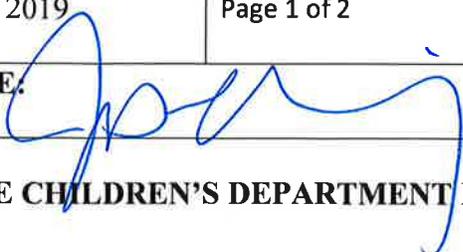


POLICY #217	SUBJECT: Non-discrimination Policy
EFFECTIVE DATE: April 1, 2019	Page 1 of 2
REVISION DATE:	
AUTHORIZED SIGNATURE:	

DELAWARE CHILDREN'S DEPARTMENT POLICY

I. PURPOSE

The Delaware Department of Services for Children, Youth and Their Families (DSCYF) is committed to non-discrimination and its responsibilities in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Civil Rights Act of 1964 and its subsequent amendments, the Equal Employment Opportunity Act of 1972 and its subsequent amendments, and other state and federal laws.

II. POLICY

It is the policy of DSCYF that no person shall, on the grounds of a person's race, color, national origin, gender, age, sex, pregnancy, marital status, sexual orientation, gender identity or expression, religion, creed, disability, veteran's status, or any other category protected by state and/or federal laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity which is administered by the Department. Employment-related discrimination complaints are covered by Policy #302 (Affirmative Action/Equal Employment Opportunities).

III. DEFINITIONS

- A. ADA Title II Coordinator: A person responsible for coordinating the efforts of the government entity to comply with Title II of the Americans with Disabilities Act and investigate any complaints that the entity has violated Title II.
- B. Complaint: A written or electronic statement concerning an allegation of discrimination that contains a request for the receiving person to take action. Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

IV. PROCEDURES

The DSCYF Cabinet Secretary shall appoint an ADA Title II Coordinator consistent with the requirements of Title II of the ADA. The ADA Title II Coordinator shall coordinate the administrative requirements of ADA compliance and respond to complaints filed by the public. The ADA Title II Coordinator will be a liaison with the Statewide ADA Coordinator and should attend relevant Statewide EEO Officer meetings which will focus on the ADA. It is recommended that the DSCYF ADA Title II Coordinator be trained annually on the reasonable

accommodation process and rights and responsibilities under the ADA.

In accordance with the requirements of Title II of the ADA, DSCYF will, upon request, provide modifications and aids for qualified persons with disabilities so they can participate equally in department programs and services (see Appendix A: Notice Under the Americans with Disabilities Act).

The ADA Coordinator or his/her designee shall follow the department's grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination or retaliation prohibited by Title II of the Americans with Disabilities Act of 1990 (see Appendix B: Department of Services for Children, Youth & Their Families Grievance Procedure).

No department employee shall retaliate against, intimidate, threaten, coerce, or discriminate against any individual because they filed a complaint of discrimination.

The department shall ensure that all employees are informed of their responsibilities under Title II of the ADA. All employees will review this policy annually and sign an acknowledgment that they understand their responsibilities under this policy.

V. RESPONSIBILITY FOR THIS POLICY

The ADA Title II Coordinator is responsible for providing guidance regarding this policy.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Department of Services for Children, Youth & Their Families ("DSCYF") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Contact information for the DSCYF ADA Coordinator can be found below.

Employment: DSCYF 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.

Modifications to Policies and Procedures for Effective Communication: DSCYF will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in DSCYF programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

DSCYF will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to participate in, or benefit from, all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of DSCYF, should contact the office of the DSCYF ADA Title II Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require DSCYF to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of DSCYF is not accessible to persons with disabilities should be directed to the ADA Title II Coordinator.

DSCYF 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 of policy.

DSCYF will confidentially maintain any medical records or other health information.

DSCYF ADA Title I Coordinator (Employment)

Melissa Stevens

302-633-2537

Melissa.Stevens@delaware.gov

DSCYF Main Administration Building

1825 Faulkland Rd

Wilmington, DE 19805

DSCYF ADA Title II Coordinator (Services & Programs)

302-633-2561

dscyf_ada@delaware.gov

DSCYF Main Administration Building

1825 Faulkland Rd

Wilmington, DE 19805

**Department of Services for Children, Youth & Their
Families**
Grievance Procedure under
Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Department of Services for Children, Youth & Their Families ("DSCYF").

An ADA Title II complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The ADA Title II complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

DSCYF ADA Title II Coordinator
302-633-2561
Dscyf_ada@delaware.gov
DSCYF Main Administration Building
1825 Faulkland Rd
Wilmington, DE 19805

ADA Title II complaint investigations will be completed within 90 days of receipt of the complete complaint unless circumstances exist justifying additional investigative time. The ADA Title II Coordinator will attempt to mediate/resolve all ADA Title II complaints informally. The ADA Title II Coordinator has the authority to dismiss a complaint.

When the ADA Title II Coordinator is unable to mediate a resolution of the complaint informally, the ADA Title II Coordinator will arrange a meeting with the complainant. Within 15 calendar days of the meeting, the ADA Title II Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of DSCYF and offer options for substantive resolution of the complaint.

If the response of the ADA Title II Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may submit a complaint to the State ADA Coordinator or the U.S. Department of Justice Disability Rights Section.

All written complaints received by the ADA Title II Coordinator or his/her designee, appeals and responses will be retained by DSCYF for at least three years.