

ADA Grievance/Complaint Procedure
Delaware Department of Transportation
Civil Rights Section
ADA Title II/Section 504 Complaint Policy Procedure

Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act protects qualified individuals with a disability against discrimination based on their disability. Under Title II of the ADA, DelDOT is required to ensure that all of their programs, services, and activities are accessible to individuals with disabilities.

The Delaware Department of Transportation (DelDOT) does not discriminate against individuals with disabilities in any/all services, programs, or activities that DelDOT provides. Additionally, DelDOT does not exclude individuals from their services, programs, or activities.

The Delaware Department of Transportation has adopted this grievance procedure which provides for a prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations including but not limited to [Title II of the Americans with Disabilities Act](#) and [Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. 794](#).

Filing an ADA Complaint

Any person, by themselves or by a representative, organizations or business entities that believe they have been subjected to discrimination or retaliation prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) may file a complaint.

Timeframe for Filing Complaints

Complaints must be filed within 180 days of the last date of the alleged discrimination unless the time for filing is extended at DelDOT's Title II Coordinator's discretion. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints.

Items Not Considered a Complaint

Anonymous complaints, inquiries seeking advice or information, courtesy copies of court pleadings, courtesy copies of complaints addressed to other local, State, or Federal agencies, newspaper articles and courtesy copies of internal grievances are examples of items that are not considered a complaint, unless the item contains a signed cover letter specifically asking that the agency take action concerning the allegation.

Complaint

A. Submitting a Complaint

Complaints should be in writing and signed using the ADA Grievance/Complaint Form provided on DelDOT's website. The preferred format for submitting an ADA complaint is online using the [DelDOT portal](#). Complaints may also be submitted by mail, in person, or e-mail. If an individual is unable to provide a written statement, an oral grievance can be filed by contacting the ADA Title II Coordinator.

The complaint will be required to provide the following information:

- An explanation of what happened;
- Information necessary to contact the complainant;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred;
- The date(s) of the alleged discriminatory act(s);
- Complainants represented by an attorney must provide a letter authorizing representation. The attorney will be copied on all correspondence with the complainant;
- Complainants may withdraw their complaint at any time. This action closes the case without prejudice.

B. Where to submit Complaints

Complaints may be submitted to DelDOT's Title II Coordinator via any of the information listed below:

DelDOT's address:

Office of Civil Rights

P.O. Box 778

Dover, DE 19903

Phone: (302) 760-2048

Email: dot.adasupport@delaware.gov

Website: www.ada.deldot.gov

DelDOT's Responsibilities

Complaints filed under the ADA Title II/ Section 504 will be investigated by DelDOT in accordance with these complaint procedures. The complete complaint will be reviewed within 14 calendar days for acceptance or referral to the appropriate authorized agency.

A. Reviewing Complaints

DelDOT will review all complaints under ADA Title II/ Section 504. One of the following actions may occur:

- If the complaint is unclear or incomplete, the complainant will be contacted in writing, by email, or by telephone to obtain additional information.
- After determining that the complaint will be accepted for investigation, a notification letter will be sent to the complainant and the respondent (if applicable).
- If it becomes clear that DelDOT lacks jurisdiction over a complaint, the complaint will be referred to the appropriate authorized agency. A referral letter will be sent to the agency along with the complaint and any other documents collected. A letter will also be sent to the complainant stating that the complaint has been referred to another agency and that DelDOT has closed the complaint.

B. Investigating Complaint

DelDOT will conduct a field investigation within 30 calendar days of reviewing and accepting the complaint. The complainant may be contacted to attend the field investigation to further clarify the reason for the complaint.

C. Letters of Finding (LOFs)

Based on the investigation, the analysis of information and evidence gathered, DelDOT will generate a LOF. The LOF will outline the complaint, describe the investigation process and findings and may include general or specific recommendations and/or a formal corrective action plan with anticipated goals for complaint resolution.

D. Contact with Complainant

DelDOT's ADA Title II Coordinator, or designee, will maintain contact with the complainant during the ADA Grievance/Complaint process to provide updates and/or report progress on complaint resolution.

The goal to report complaint investigation findings will be 30 calendar days from the completion of the complaint investigation unless circumstances exist justifying additional investigative time.

E. Dismissal

The DelDOT ADA Title II Coordinator has the authority to dismiss ADA Title II/ Section 504 complaints. A complaint may be dismissed for any of the following reasons that include but are not limited to:

- The complaint is not filed in the time period stated under **Timeframe for Filing Complaints**.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint, as outlined in section **A. Reviewing Complaints**;
- There is no statutory or alleged basis for the complaint, or the complainant does not allege any harm with regard to current programs or statutes;
- The complaint has been investigated by another agency and the resolution of the complaint meets United States Department of Justice and/or Federal Highway Administration (USDOJ/FHWA) regulatory standards;
- Credible information found at any time indicating that the allegations raised by the complainant have been resolved;
- The same complaint allegations have been filed with another Federal, State, or local agency possessing statutory authority to accept and process such complaints.