

# **Civil Rights Policy**

## **Delaware County Board of Developmental Disabilities**

Board Review Date: June 16, 2011  
Board Resolution #: 11-06-06  
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Reviewing Department: Administration

The Delaware County Board of Developmental Disabilities believes in basic civil and human rights of all individuals and is committed to securing and protecting these rights. As a public statement of this commitment, the Board has adopted the following:

### **I. COMPREHENSIVE NONDISCRIMINATION POLICY**

It is the policy of the Board that services, employment and access to facilities shall, consistent with federal and Ohio law, be provided to all otherwise eligible individuals without regard to race, color, national origin, religion, sex, disability, ancestry, and age.

Parties contracting with the Delaware County Board of Developmental Disabilities agree to the provisions of the above nondiscrimination policy which shall apply equally to the parties of the contract and shall become effective with the signing and dating of the contract.

### **II. CIVIL RIGHTS OFFICER**

The responsibility for administration of this policy and investigation of all complaints related to alleged violations of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Ohio Fair Employment Practices Act, or sexual harassment of employees is assigned to: Civil Rights Officer, Wendy Mack, Administrative Assistant, Administrative Offices, 7991 Columbus Pike, Lewis Center, Ohio 43035 Telephone 740-201-5801

### **III. EQUAL ACCESS TO PROGRAMS AND FACILITIES POLICY**

The Board shall not discriminate in program services to otherwise qualified clients in eligibility, placement, availability and manner of client services to clients, potential clients, or visitors. All persons and organizations having occasion either to refer or accept clients for service or to make recommendations for service are advised to do so in a nondiscriminatory manner.

The Board will make reasonable accommodations to provide services to disabled clients. Board employees shall take special actions to make themselves accessible to clients for program services. Meetings shall be held at places convenient for the client. Communication shall be aided through available means, such as interpreters, Braille documents, and adaptive communication boards as requested. Issues shall be explained by Board employees in terms which can be understood by the client.

## **Program Services Complaint Procedures**

Complaints not related to discrimination are to be made according to the procedures outlined in the client/parent handbooks.

Discrimination complaints involving an incident or series of incidents due to race, color, national origin, religion, sex, disability, ancestry, or age are to be filed within 180 days of the alleged discriminatory incident with the Board's Civil Rights Officer and may also be filed with the Ohio Civil Rights Commission, the United States Department of Human Services, Office for Civil Rights.

The Board adopts the complaint procedures contained in Addendum III of the Civil Rights Compliance Plan of the Ohio Department of Mental Retardation/Developmental Disabilities dated April, 1985 and its subsequent revisions. Written copies of these procedures are available from the Civil Rights Officer.

## **IV. EQUAL EMPLOYMENT POLICY**

The Board shall not discriminate in employment practices such as recruitment, employment, training, advertising, layoff, termination, upgrading, demotion, transfer, rates of pay, benefits, and compensation. The qualifications and duties of each position shall be based upon actual requirements and shall not be discriminatory.

The Board shall make reasonable accommodation to the known physical or mental limitation of any otherwise qualified disabled applicant or employee unless it can be demonstrated that such accommodation would impose an undue hardship on the operation of the program.

### **Equal Employment Complaint Procedure**

Complaints not related to discrimination are to be made according to the agency's grievance procedure. Discrimination complaints involving an incident or series of incidents due to race, color, national origin, religion, sex, disability, ancestry, or age (40 years or older) are to be filed within thirty (30) days of the alleged discriminatory incident with the Board's Civil Rights Officer and may also be filed within the applicable legal time limit with the Ohio Civil Rights Commission or with the Federal Equal Employment Opportunity Commission.

The Board adopts the complaint procedures contained in Chapter 6 of the Civil Rights Compliance Plan of the Ohio Department of Mental Retardation/Developmental Disabilities dated April, 1985 and its subsequent revisions. Written copies of these procedures are available from the Civil Rights Officer.

## **V. SEXUAL HARASSMENT**

The Board strongly disapproves of any form of sexual harassment at the work place or in services to clients including acts of non-employees. Disciplinary action will be taken promptly against any employee, supervisory or otherwise, engaging in sexual harassment.

The federal Equal Employment Opportunity Commission's guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute unlawful harassment when:

1. Submission to such conduct is an explicit or implicit term or condition of an individual's employment;

2. The submission to or rejection of such conduct by an individual is the basis for any employment decision affecting that individual; or
3. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **Sexual Harassment Complaint Procedure**

Any employee or individual receiving services from or providing services to the Board who feels he/she has been the victim of sexual harassment should report the incident immediately to his/her immediate supervisor within fourteen (14) days of the incident. If the offending person is the employee's immediate supervisor or the client's service provider, the report may be made to the Board's Civil Rights Officer. This report can be oral or written, but a written and signed statement of the complaint must be submitted to the Board's Civil Rights Officer by the complaining employee or individual within three (3) days of the initial report so an investigation into the matter can proceed.

Upon receipt of the written complaint, the Civil Rights Officer will contact the person who allegedly engaged in the sexual harassment, and inform him or her of the basis of the complaint and the opportunity to respond. That person will then have seven (7) days to respond to the complaint.

Upon receipt of the response, the Civil Rights Officer will determine whether sexual harassment has occurred. Both parties will be notified of the Civil Rights Officer's decision. If it is determined that sexual harassment has occurred, appropriate disciplinary action up to and including discharge will be taken. The severity of the discipline will be determined by the severity and/or frequency of the offense.

An employee's, client's or other person's failure to report the occurrence of sexual harassment within fourteen (14) days will be deemed a waiver. Failure to file a written complaint within three (3) days of the initial report will be considered a withdrawal of that report. If the person against whom the complaint of sexual harassment is filed fails to respond to the complaint within seven (7) days of the notification, the complaint will be taken as true and the appropriate disciplinary measure will be taken.

## **VI. RIGHTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES**

### **Persons with mental retardation/developmental disabilities have the right:**

To be treated at all times with courtesy and respect and with full recognition of their dignity and individuality;

To an appropriate, safe and sanitary living environment that complies with local, state, and federal standards and recognizes the persons' need for privacy and independence;

To food adequate to meet accepted standards of nutrition;

To practice the religion of their choice or to abstain from the practice of religion;

Of timely access to appropriate medical or dental treatment;

Of access to necessary ancillary services including, but not limited to, occupational therapy, physical therapy, speech therapy and behavior modification and other psychological services;

To receive appropriate care and treatment in the least intrusive manner;

To privacy, including both periods of privacy and places of privacy;

To communicate freely with persons of their choice in any reasonable manner they choose;

To ownership and use of personal possessions so as to maintain individuality and personal dignity;

To social interaction with members of either sex;

Of access to opportunities that enable individuals to develop their full human potential;

To pursue vocational opportunities that will promote and enhance economic independence;

To be treated equally as citizens under the law;

To be free from emotional, psychological and physical abuse;

To participate in appropriate programs of education, training, social development, habilitation and programs of reasonable recreation;

To participate in decisions that affect their lives;

To select a parent or advocate to act on their behalf;

To manage their personal financial affairs based on individual ability to do so;

To confidential treatment of all information in their personal and medical record;

To voice grievances and recommend changes in policies and services without restraint, interference, coercion, discrimination or reprisal;

To be free from unnecessary chemical or physical restraints;

To participate in the political process;

To refuse to participate in medical, psychological or other research or experiments.

## **VII. OTHER COMPLAINT PROCEDURES**

Any person receiving services, or any parent, guardian or advocate of a person receiving services, who believes that the rights outlined above have been violated or who has a complaint regarding service provided or contracted by the Board, may bring their concerns to the attention of the Board's support administrators, other management employees and/or file a formal complaint. The Board will comply with the Ohio Department of Developmental Disabilities Rule 5123:2-1-12 Administrative Resolution of Complaints for County Boards.

Complaints may also be made to the Ohio Department of Developmental Disabilities, 30 East Broad Street, Columbus, Ohio 43226, toll free telephone **(800) 231-5872**; the Ombudsman Section of the Ohio Legal Rights Service, 8th Floor, 8 East Long Street, Columbus, Ohio

43226, toll free telephone **(800) 282-9181**; or take any other appropriate action to ensure compliance with Section's 5123.60 to 5123.64 of the Ohio Revised Code, including the filing of legal action to enforce rights or to recover damages for violation of rights.

### ***Individuals with Disabilities Non-Discrimination Policy***

The Board believes in the basic civil rights of all individuals and is committed to securing and protecting these rights as outlined within the Americans with Disabilities Act of 1990 (ADA). The ADA defines a person with a disability as an individual who has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limited impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, and learning or working.

The Board shall not discriminate in employment practices such as recruitment, employment, training, advertising, layoff, termination, upgrading, demotion, transfer, rates of pay, benefits, and compensation. The qualifications and duties of each position shall be based upon the essential functions of the position and shall not be discriminatory.

The Board shall make reasonable accommodation to the known physical or mental limitation of any otherwise qualified disabled applicant or employee unless it can be demonstrated that such accommodation would impose an undue hardship on the operation of the program. The Board may, at its sole discretion, request information from an employee's attending physician, or require the employee to be examined to determine the employee's ability to perform the essential functions of the position with or without reasonable accommodations. The Board may also request a release of medical records from the employee in order to complete such requests.

A complaint procedure has been adopted to address potential accessibility concerns with Board facilities, services, employment, and programs. Any concerns with accessibility should be brought to the attention of your immediate supervisor or the human resources department.

The superintendent is authorized to establish guidelines to regulate the implementation of this policy.