



*"People
helping people
help
themselves"*

Mitchell E. Daniels, Jr., Governor
State of Indiana

Indiana Family and Social Services Administration

402 W. WASHINGTON STREET, P.O. BOX 7083
INDIANAPOLIS, IN 46207-7083

**GRIEVANCE PROCEDURE
RESOLUTION OF COMPLAINTS
(SECTION 504 AND TITLE II AND TITLE IX)**

1) Grievance Procedure:

It is the policy of the Indiana Family & Social Services Administration to provide services without discrimination on the basis of disability or sex. To insure compliance with this policy, this discrimination grievance procedure for resolving complaints and/or grievances regarding alleged discrimination has been established.

Initiating a Grievance:

- a. A grievance may be initiated by filing a written complaint, unless another format is required by the complainant, which shall be sent to the individual identified as the Title IX/ grievance coordinator below. Assistance and accessible materials will be provided upon request.

The Complaint must be filed within 60 days of the alleged act of discrimination, although complaints may be considered up to 180 days from the date of occurrence, at the discretion of the Director of the agency, for good cause.

- b. A complaint should be in writing, unless another format is necessary, and should include, if known, [at a minimum,] the following:
 - i) Date of the alleged discrimination, or closest approximation.
 - ii) Contact Information for the person filing the complaint.
 - iii) A clear and concise statement of the grievance, including the name(s) and contact information of the person(s) against whom the grievance is being made, the date(s) of the alleged discrimination, and a statement describing specific supporting evidence.
 - iv) A statement of any prior attempts to resolve the matter, including the name(s) of the person(s) with whom the matter was discussed.



- v) A description of any reasonable accommodations needed by the complainant to facilitate resolution of the grievance process.
- vi) Complaint to be sent to:

Nancy Zemaitis, Title IX/grievance coordinator
Division of Disability and Rehabilitative Services
402 West Washington St., Room 453, P.O. Box 7083
Indianapolis, IN 46207-7083
(317) 234-4475
Nancy.Zemaitis@fssa.in.gov

- c. A face to face or telephonic meeting will be arranged by the Title IX/ grievance coordinator within 15 days of receipt of the complaint, unless otherwise agreed upon in writing between the parties. The purpose of this meeting will be to determine whether the grievance can be informally resolved.
- d. Meeting held to informally resolve the grievance.
 - i) If the grievance is settled at this conference, the agreement will be memorialized in writing. If a complainant fails without good cause to appear for this informal meeting, the grievance will be dismissed.
 - ii) If the grievance cannot be informally resolved, then a formal and appealable agency determination will be issued, and the complaint will be referred to an Impartial Hearing Officer for an administrative hearing within 30 days under the terms of Indiana's Administrative Orders and Procedures Act, (Indiana Code 4-21.5 *et seq.*) The parties will have the right to engage in prehearing discovery, the right to a hearing on the record before a randomly appointed Impartial Hearing Officer, the right to testify and to call and cross examine witnesses, and to be represented (at each party's expense) by a representative or by counsel. The Impartial Hearing Officer will issue a decision that will be binding upon the parties, unless either party seeks review of that decision in a timely manner. The Impartial Hearing Officer's decision will include instructions on how a party may seek review. The Impartial Hearing Officer's decision shall be issued in writing within (90) days after the conclusion of the hearing or after submission of proposed findings, unless this period of time is waived or extended with the written consent of the parties or for good cause shown.
 - iii) Complainant must complete and return the appropriate form (See Attachment A) to the grievance coordinator, in order to request an administrative hearing.
 - iv) Pursuant to Indiana law, all administrative appeals may be reviewed by the "ultimate agency authority", and are then subject to judicial review by the Circuit Court of Marion County or the county of residence of the Complainant.