

# North Carolina Administrative Office of the Courts

## **Policy and Procedures Governing Grievances under the Americans with Disabilities Act**

The N.C. Administrative Office of the Courts (NCAOC) has established these grievance procedures to provide for the prompt and equitable administrative resolution of complaints alleging action by the Judicial Branch that would be prohibited by the Americans with Disabilities Act (ADA). The ADA states in part that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity” (42 U.S.C. Section 12132).

It is the policy of the NCAOC to make every reasonable and appropriate effort within its authority to ensure full and fair access to the courts for individuals with disabilities. Individuals are cautioned, however, that the NCAOC has no authority to direct, review, correct, or reverse any action or decision of Judicial Branch officials with regard to the exercise of authorities vested in them by law, including, by way of example only, a judge’s decision in any civil or criminal proceeding. The ADA does **not** require that a complaint be filed with the NCAOC before pursuing other remedies, such as filing a complaint with the responsible federal agency.

### **Section 1. Requests for Accommodation; Assistance and Review by the NCAOC’s “Disability Access Coordinator”**

An individual with a disability who needs an accommodation should make the request for an accommodation by contacting the appropriate court official or responsible employee. In any matter relating to trial court proceedings, the Office of the Clerk of Superior Court in the relevant county can help an individual with a disability identify the appropriate court official or responsible employee. In addition, the NCAOC’s Disability Access Coordinator may be contacted for assistance in any matter, including help in identifying the responsible employee to contact for any court office or program.

Prior to filing a grievance requesting final agency review under section two of these procedures, an individual must have requested assistance from or presented his or her complaint, orally or in writing, to the NCAOC Disability Access Coordinator, at the:

Office of General Counsel  
Administrative Office of the Courts  
P.O. Box 2448  
Raleigh, NC 27602  
T 919 890-1300

The NCAOC’s Disability Access Coordinator shall, as appropriate, conduct an investigation and attempt to provide the assistance requested or resolve the complaint. The NCAOC Disability Access Coordinator will promptly advise the individual of the results of the investigation, the validity of the complaint, and the resolution, if any, reached.

## Section 2. Procedures for Final Administrative Review

Individuals may obtain final administrative review of a grievance against the Judicial Branch under the Americans with Disabilities Act by mailing or delivering a written complaint to:

Office of General Counsel  
Administrative Office of the Courts  
Mailing: P.O. Box 2448, Raleigh, NC 27602  
Physical: 901 Corporate Center Drive, Raleigh, NC 27607

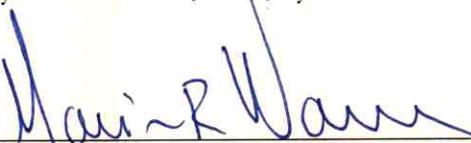
If necessary due to the nature of an individual's disability, the complaint may be presented by reasonable means other than writing. To make arrangements for this purpose, contact the Office of General Counsel at 919 890-1300.

The complaint shall contain the name and address of the individual filing it and an explanation of the alleged violation, including:

- The specific request for an accommodation or other action that was made to any court employee,
- The individual or individuals to whom the request was made,
- The specific actions taken in response to the request,
- The specific deficiencies in those actions, and
- The specific additional or other actions desired.

The Office of General Counsel (OGC) will review the complaint, obtain any other necessary and appropriate information, and afford interested parties and their representatives, if any, an opportunity to submit evidence relevant to the complaint. As deemed necessary and appropriate by the OGC, someone may meet with the complainant or other parties. If the complainant fails to comply with a request for information from the OGC, the complainant may be deemed to have abandoned the complaint. The OGC shall make a written determination upon the complaint and issue a copy of the determination to the complainant and other interested individuals. If necessary due to the nature of an individual's disability, the OGC shall make reasonable efforts to communicate the determination by appropriate means other than writing. The determination of the OGC shall be issued no later than fifteen working days after receipt of the complaint, or the complainant will be informed in writing of the reasons for the delay and advised as to when a determination may be expected. The determination of the OGC is the final agency decision of the Administrative Office of the Courts.

These procedures are adopted in the performance of the duties provided for in G.S. 7A-343, this the ~~16<sup>th</sup>~~ day of November, 2015, by:

  
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Marion R. Warren  
Director  
North Carolina Administrative Office of the Courts