

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

It is the policy of the Judiciary of the U.S. Virgin Islands to comply with the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, et seq. The ADA prohibits discrimination against qualified individuals with disabilities on the basis of disability. Under the ADA, qualified individuals with disabilities shall not be subjected to unlawful discrimination, or inaccessibility to facilities, programs, services, benefits, or activities on the basis of a disability.

If you believe you have been excluded from participating in, or denied the benefits of, access to any court location, program, or service because of a disability, you may file a grievance with the ADA Coordinators below or via e-mail at ada@vicourts.org.

St. Croix District:

Judiciary of the U.S. Virgin Islands
P. O. Box 929
St. Croix, VI 00850
ADA Coordinators: Mr. Kevin Williams and Ms. Nissa Bailey
Monday- Friday 8:00 am-5:00 pm
Phone: (340) 778-9750

St. Thomas/St. John District

Judiciary of the U.S. Virgin Islands
P.O. Box 70
St. Thomas, VI 00804
ADA Coordinators: Mrs. Koya S. Ottley and Mrs. Abena Meade
Monday- Friday 8:00 am- 5:00 pm
Telephone: (340) 774-2237 and (340) 774-660 (respectively)

The purpose of this procedure is to establish a mechanism for resolving complaints without requiring the complainant to resort to federal complaint procedures. However, complainants would not be required to exhaust this grievance procedure before they could file a complaint at the territorial and/or federal level.

1. A grievance should be in writing by the person filing the grievance (the “grievant”). Please include the name, mailing address, telephone number, and e-mail address of the grievant, a description of the grievance including the names of anyone who can assist in the investigation, the relevant date(s), the court facility in which the violation is alleged to have occurred, and a statement of the relief sought. You should include a copy of any papers you have that relate to the complaint or that may be of help in understanding your complaint. Be sure to send copies of the documents, and keep originals for your files. Alternative means of filing complaints, such as personal interviews or recordings of the complaint, will be made available for persons with

disabilities upon request. All ADA complaints/grievances shall be submitted as soon as possible but no later than sixty (60) calendar days from the incident giving rise to the complaint.

2. Upon receipt of a grievance, the ADA Coordinator will determine which function(s) of the court is at issue: facilities, programs, services, benefits, or activities. The ADA coordinator will notify the Administrator of Courts of the complaint. A team consisting of the ADA Coordinators and the Administrator of Courts shall address the complaint. Individual(s) who are charged in the complaint with alleged discriminatory conduct shall not be a member of the team.

The team, or a member of the team, will review the complaint with the complainant. The team, or a member of the team, will interview witnesses who can provide supportive or relative information and complete the fact finding. The team may consider evidence submitted by the grievant or any other affected person.

3. The Administrator of Courts should mail or otherwise deliver a written determination of the grievance to the grievant as soon as possible but no later than thirty (30) calendar days of the filing of the grievance. Copies of the determination will be sent to the grievant and to anyone against whom allegations have been made. The determination will include, if appropriate, a chosen course of action or remedy such as a change in policy or practices, training or appropriate disciplinary action. The court may invoke the course of action described in the regulations implementing the ADA (28 C.F.R. '35.164) when modifications would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.
4. Any person dissatisfied with the determination may seek review by a hearing officer designated by the Chief Justice. A request for review must be made in writing and mailed within ten (10) working days of receipt of the Administrator of Courts' determination to the Chief Justice.
5. In conducting the review, the designated hearing officer shall consider the written record from the Administrator of Courts and has discretion to hold a hearing in person or by phone, if appropriate. The designated hearing officer will issue a written decision within thirty (30) calendar days of receipt of the request for review.
6. All of the offices involved in the resolution of complaints through this grievance process will try to comply with the stated time limits. However, strict compliance is not always possible due to, for example, the absence of important witnesses, or the need for additional information from the grievant, or the need to complete an unusually complex investigation. Whenever possible, the grievant will be notified about delays.
7. These Grievance Procedures apply to grievances related to programmatic access to the Court; the grievance procedures do not apply to acts by judicial officers in their official capacity, such as deciding cases.

All written complaints received by the Administrator of Courts or appeals to the Chief Justice and responses from these two offices will be retained by the ADA Coordinator and the judiciary for at least three years.

The Judiciary of the U.S. Virgin Islands will not discriminate against any individual because that individual has opposed any act or practice made unlawful by Title II of the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title II of the ADA.

The Judiciary of the U.S. Virgin Islands will not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by Title II of the ADA.