SECTION .0200 - DISPUTE RESOLUTION

25 NCAC 02 .0201 DISPUTE RESOLUTION PROCESS
When a public entity or contractor refuses to provide a requested program modification, the following procedure shall apply:

1. The individual or entity denying a program modification request shall provide a written rationale to the PSAC for the refusal of the request.
2. The PSAC shall review the decision and consult with the agency ADA Coordinator and the NCOADA for technical assistance.
3. The PSAC shall transmit the decision and the rationale for the denial to the requesting party and shall discuss other possible methods of assuring accessibility with the requesting party.
4. The PSAC shall inform the requesting party of the availability of the alternative dispute resolution process and shall also inform him of his right to contact the NC Governor's Advocacy Council for Persons with Disabilities or the United States Department of Justice to request an investigation of the denial of the program modification request.
5. When the requesting party chooses informal resolution, he shall be referred to the NCOADA, which shall make efforts to informally resolve the issue of the denial of the program modification request by the use of facilitation and mediation efforts involving the requesting party and the person or agency denying the request.
6. When the NCOADA does not achieve informal resolution, which shall be indicated by the withdrawal of the complaint, the NCOADA shall refer the requesting party to mediation sources in the requesting parties locality.
7. When the requesting party refuses the referral or resolution is not achieved through formal mediation, the NC Office on the ADA shall, on request, assist the requesting party in contacting the NC Governor's Advocacy Council for Persons with Disabilities or the United States Department of Justice to request an investigation of the denial of the program modification request.
8. The PSAC shall keep records of all requests both approved and denied and shall document on-going efforts to provide equal accessibility in its delivery of services to disabled consumers.