Disruptive Passenger Behavior Policy (note this can be used for any passenger but covers regulations concerning passengers with disabilities too)

When riding a _ _____Dodge Transit_____ vehicle, customer conduct will not be accepted nor allowed that is violent, seriously disruptive, or illegal.

_ Dodge Transit _ may suspend individual passengers and/or refuse service to an individual with a disability who engages in violent, seriously disruptive, or illegal conduct, using the same standards for exclusion that would apply to any other passenger who acted in such an inappropriate way.

_ Dodge Transit will not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other people. When faced with an incident involving violent, seriously disruptive, or illegal conduct, the vehicle's operator will complete an incident report detailing the situation and forward it the Dodge Transit Manager at the conclusion of the shift. In cases of imminent danger or harm, the vehicle operator shall make the necessary report as in the case of any such incident on a _ Dodge Transit __ vehicle.

With regard to considering a "direct threat" U.S. Department of Justice regulations state in 28 CFR Sec. 36.208. In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Examples of the violent, seriously disruptive, or illegal conduct resulting in "refusal to provide service" include but are not limited to the following:

- Disrupting the driver while he/she is driving the vehicle.
- Engaging in any conduct or activity that represents a danger to himself/herself, to other passengers or to the driver.
- Making physical or verbal threats to the driver or to other passengers. Such threats may be either verbal or written.
- Damaging or destroying vehicle equipment or any employee's or passenger's property.
- Getting out of the seat while the vehicle is in motion or while the trip is underway.
- Refusing to wear a seat belt.
- Smoking, consuming alcoholic beverages or any illegal substance while on board the vehicle.
- Disrupting other passengers.
- Disrobing.
- Swearing, name calling and/or abusive language.
- Personal Hygiene condition, resulting in a public health hazard.

Processing Disruptive Behavior:

If a customer engages in violent, seriously disruptive, or illegal conduct, the offending customer will: Immediately be asked by either the vehicle operator or other member of the _ Dodge Transit's management staff to stop or correct the disruptive behavior. If the customer continues to engage in a

violent, seriously disruptive, or illegal behavior, assistance will be sought as necessary; and customer will be issued a letter detailing the incident. The letter will also outline the subsequent "suspension of service" notification to the passenger and will include the reason for such determination. A copy of the letter will also be sent to the passenger's guardian, and/or the passenger's service provider. Despite this notification, the _ Dodge Transit's staff must be mindful of the critical importance of maintaining confidentiality concerning information about a passenger's identity, personal circumstances, disability status, etc.

Further suspensions up to and including refusal of service will be determined at exclusive discretion of Director of Operations in the event that the suspension of service have not mitigated the disruptive situation.

Appeals Process

Adequate documentation must be on file to support the decision that a cause for suspension has been identified and carefully investigated, and that action is warranted.

When possible, if sanctions are imposed, the customer must be notified ahead of time in writing or in accessible format.

If an immediate sanction is imposed, a verbal notification must be swiftly followed by the required written or accessible format notice.

The notice must identify the basis for the proposed action with specifics and describe the proposed sanction. It must notify the customer of his/her right to appeal and how to file an appeal.

Customers who are issued a "refusal to provide service" letter will have the right to appeal the suspension, as described below:

The individual will have sixty (60) calendar days from the date of the notification letter to file an appeal with the _ Dodge Transit's Executive Director. The information concerning the appeals process will be included in the correspondence sent to the offending customer, caregiver, guardian or advocate. _ Dodge Transit will provide transportation to the appealing party to and from the hearing free of charge.

If during the appeals process it has been determined the Dodge Transit has legitimately refused service to someone who has engaged in violent, seriously disruptive, or illegal conduct, the Executive Director may choose to provide conditional service to him or her on actions that would mitigate the problem. For example, the Executive Director could choose to require an attendant as a condition of providing service it otherwise had the right to refuse.

In evaluating the request, the Executive Director may hold a hearing and otherwise gather evidence regarding the claim and the proposed sanction. The passenger may have an opportunity to present evidence and witnesses at the appointed time. The Executive Director findings will be final and binding.

2 49 CFR, Part 37.5 (App.D) "If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require an attendant as a condition of providing service it otherwise had the right to refuse.