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Student Grievance Procedure for Complaints of Discrimination

Design Institute of San Diego (DISD) does not discriminate on the basis of disability, age, sex, race, color, gender, sexual orientation, religion, national origin or any other characteristic protected by state, local or federal law. This procedure shall be applicable and utilized for all allegations of discrimination. Grievances of all other types shall be filed utilizing the general Grievance policy located in the Catalog.

This procedure applies to all Design Institute of San Diego Students, Faculty and Administration. This procedure assists DISD in carrying out its responsibilities in administering and enforcing applicable federal and state laws and DISD policies related to nondiscrimination and investigation of complaints. Any individual who feels he or she is the victim of discrimination from a DISD employee, student or third parties, should follow the complaint procedures outlined below.

Margot Doucette, Director, has been designated to investigate complaints and to coordinate compliance efforts regarding the non-discrimination policy. 8555 Commerce Avenue, San Diego, CA 92121 - 858-566-1200.

Filing Process

Complainants should file a complaint as soon as possible with the Director of Student Services, Tena Moiola, tmoiola@disd.edu, located in the main administrative building at 8555 Commerce Avenue, San Diego, CA 92121. Complainants will be given instructions to describe the alleged discrimination in writing. Assistance will be arranged, if needed to complete the form. A complaint should be filed within 90 calendar days of the most recent incident of discrimination. DISD will consider requests to extend this period where the complainant can show he or she needed additional time.

The complainant will meet with the Director to discuss options (informal, formal) for proceeding with resolution of the complaint. The complainant is not required to follow the informal procedure before filing a formal complaint. The respondent (the individual accused of discrimination) will be notified of the complaint within 10 working days after it is filed.

Proceeding Options

Informal: The Director may offer the complainant the opportunity to voluntarily discuss allegations and concerns and attempt to resolve the situation. The complainant is not required to do this to move forward with a formal complaint. The respondent will be reminded that DISD expects all to adhere to our nondiscrimination policies. The respondent will be put on notice that behavior has been questioned, and informal resolution is sought, if possible. If informal attempts to resolve the situation are not successful, the complainant may at anytime pursue a formal complaint.

Formal: If the complainant elects to file a formal complaint, a full, reliable, and impartial investigation is conducted by the Director. Both the complainant and the accused will have the opportunity to meet and discuss the allegations separately with the Director and may offer any witnesses or other information in support of their position. The investigation shall normally be completed within 45 working days from the filing of a formal complaint, including written notification to the parties of the outcome of the investigation. The written notification will be a complete report with findings regarding whether discrimination was found as to each allegation in the complaint. In extraordinary circumstances, the Director may extend this time for a reasonable period. All parties will be notified if such an extension

is necessary. Many factors can interfere with an investigative fact-finder's commitment to complete a determination promptly, including unavailability of witnesses or the complexity of the issues involved. The Director will maintain contact with the Complainant and Respondent throughout the course of the investigation to keep them up to date on the process.

If a violation is found, the Director will recommend corrective actions. These may include a directive to stop any ongoing discrimination or retaliation; disciplinary or other corrective action against the respondent or others; relief for the complainant to remedy the effects of the discrimination or retaliation; and any other action considered necessary to ensure that the discrimination will not be repeated. These actions will become final and binding if there is no appeal.

Appeal

The findings of a formal complaint investigation may be appealed in writing to the Director of Student Services by the complainant or respondent within 10 working days of receipt of the Director's determination. A party may appeal a decision based on discovery of new evidence previously unavailable or a significant irregularity in the procedural process which could affect the outcome of finding.

The appellant should be as specific as possible in setting out the basis for appeal; general dissatisfaction with the decision will not be sufficient. Notice will be given to the other party if an appeal is filed and a response can be filed within 14 days of notice of the appeal. The appeal package along with the documentation, notes and written determination will then be sent to a designated third party for review and continued investigation if deemed necessary. The designated third party will be appropriately trained and qualified to fulfill this role. The written findings of the appeal normally will be concluded within 45 days from the date of submission of the appeal and response to the appeal, unless an extension is necessary. If an extension is necessary all parties will be notified promptly. The determination of the designated third party will be final.

At any time, prior to filing a complaint, or while a proceeding is in progress, a complainant may file their complaint with an appropriate external agency. A complete list of agencies, along with contact information, is available from the DISD Director, located at 8555 Commerce Avenue, San Diego, CA 92121, 858-566-1200.

Retaliation and Confidentiality

Design Institute takes any allegation of discrimination, harassment, and/or retaliation seriously and is committed to protecting the integrity of the investigation process including confidentiality and the due process rights of all individuals. Note that all those involved (the respondent, the complainant, and the witnesses) have privacy interests. Therefore, outside the scope of the investigation, all parties are cautioned not to publicize or divulge the nature of the proceedings, or the identity of those involved. In addition, retaliation against an individual who files a complaint or who participates in an investigation under this procedure is prohibited.

Notice of Policy

This policy will be included in campus publications, posted on the Design Institute website and available in the offices of the Director of Student Services and the Director.