Harassment, Sexual Misconduct and Discrimination Policy

POLICY INFORMATION

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RESPONSIBLE OFFICE

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<td>Title IX and Age Discrimination Act Coordinator</td>
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A. PURPOSE

This Policy is intended to provide a comprehensive statement of rules, guidance, procedures, resources, training requirements, roles and responsibilities for The Culinary Institute of America (CIA) Community on the subjects of Harassment, Sexual Misconduct and Discrimination. It is designed to comply with the complex framework defined by federal and state laws and rules, and in the event of a disagreement between the law and this Policy, the law shall govern.

B. POLICY STATEMENT

Nondiscrimination Statement
The Culinary Institute of America (CIA), being committed to respect for diversity and equal opportunity in education and employment, does not discriminate against individuals. The CIA expressly prohibits discrimination against and harassment of individuals on the basis of any protected characteristic, including: race, color, sex, sexual orientation, gender identity and expression, religion, disability, age, genetic information, familial status, marital status, veteran status, ancestry, national or ethnic origin, and any other protected group or classification under the law. In addition, the CIA prohibits Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Exploitation and Stalking.

This Policy shall apply to conduct that occurs on the CIA’s campus, on CIA technological systems, at CIA-sponsored programs, activities and events, including: admissions, financial aid, academic matters, career services, counseling, housing, employment policies, scholarship programs, health services, and all other programs and activities available at the CIA. Further, this Policy applies to conduct off-campus when a person accused of Prohibited Conduct is a matriculated CIA student or when the alleged conduct has a continuing adverse impact upon the CIA work or school environment.

This Policy applies to all members of the CIA Community, including Students, Employees (faculty and staff), Trustees, Interns, and Non-employee Workers. Each Student shall be responsible for their conduct from the time of enrollment through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension.

Members of the CIA Community who believe that they have been subjected to Discrimination or Harassment are strongly urged to use the resolution procedures described in this Policy. Third Parties visiting CIA facilities (such as guests, visitors and restaurant patrons) have the opportunity to make reports of Prohibited Conduct for the purpose of this policy; however, Third Parties accused of violating this policy are not entitled to the procedural protections set forth below and may be summarily excluded from CIA property, programs, activities, or events.

Compliance Statement
The CIA complies with the applicable federal laws across all campuses, including without limitation: Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title VI
and Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Age Discrimination Act of 1975; the Violence Against Women Reauthorization Act; and the Campus SaVE Act. The CIA also complies with state laws applying to its New York, California and Texas campuses, including but not limited to: Article 129-B of the New York Education Law; the New York State Human Rights Law; the New York Labor Law; Section 67836 of the California Education Code; Chapter 51 of the Texas Education Code and other federal, state, and local laws governing Harassment, Sexual Misconduct, and Discrimination.

To ensure that it is a safe and equitable place to learn and work, the CIA has established this Policy and training and procedures for reporting, investigating, and adjudicating allegations of violations of this Policy. The information contained in the Definitions and Procedures sections of this Policy is expressly incorporated into this Policy as it provides essential details for the effective implementation of this Policy.

CIA policy as well as federal and state laws prohibit Retaliation against any individual for making a good faith Complaint of Prohibited Conduct or for serving as a witness or otherwise providing information in connection with a Complaint of Prohibited Conduct.

**Compliance Coordinators**

The CIA has designated and trained personnel to provide support for reporters, Complainants, and Respondents in cases of allegations arising under this Policy. These include, but are not limited to, the Americans with Disabilities/Section 504 Coordinator (the 504 Coordinator) and the Title IX Coordinator/Age Discrimination Act Coordinator.

The Senior Director, Faculty Relations is designated as the CIA Title IX Coordinator and Age Discrimination Act Coordinator, who is responsible for coordinating compliance with the complex legal and regulatory framework governing Harassment, Sexual Misconduct, and Discrimination (except for disability-based issues). The Title IX/Age Discrimination Act Coordinator’s responsibilities include overseeing all complaints of Sexual Misconduct and identifying and addressing any patterns or systemic problems. In addition, the CIA has designated a Deputy Title IX/Age Discrimination Act Coordinator. Inquiries and Complaints concerning these issues may be referred to either:

**Joseph R. Morano - Senior Director, Faculty Relations**  
**Title IX and Age Discrimination Act Coordinator**  
The Culinary Institute of America  
1946 Campus Drive  
Hyde Park, NY 12538  
Office: Roth Hall Room S324  
Telephone: 845-451-1314  
Email: Joe.Morano@culinary.edu

Or
Danielle Glendenning, Manager—Faculty Relations
Deputy Title IX and Age Discrimination Act Coordinator
The Culinary Institute of America
1946 Campus Drive
Hyde Park, NY 12538
Office: Roth Hall, Room W-401
Telephone: 845-905-4369
E-mail: Danielle.Glendenning@culinary.edu

The Dean of Academic Engagement & Administration is designated as the CIA Section 504 Coordinator, who is responsible for coordinating compliance under Section 504 of the Rehabilitation Act of 1973. This law prohibits discrimination based upon disability and requires the CIA to ensure that Students are not excluded from participation in or denied the benefits of any program or activity of the CIA based on disability. Disability-related complaints and associated requests for accommodation are governed by the CIA’s Americans with Disabilities Act/Section 504 Compliance Policy (CMP-023). Any individual who believes they may have been discriminated against in an educational program, activity or employment situation on the basis of a disability may file a Complaint with:

Carolyn Tragni, Dean - Academic Engagement and Administration
Americans with Disabilities/Section 504 Coordinator (504 Coordinator)
The Culinary Institute of America
1946 Campus Drive
Hyde Park, NY 12538
Office: Roth Hall, Room S319
Telephone: 845-451-1615
E-mail: Carolyn.Tragni@culinary.edu

C. AUTHORITY

President and the President’s Cabinet

Age Discrimination Act of 1975
California Education Code, Section 67836
Campus Sexual Violence Elimination Act (SaVE Act), incorporated into the VAWA amendments to the Clery Act
Civil Rights Act of 1964, Title VI and Title VII
Education Amendments of 1972, Title IX
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
New York State Education Law, Article 129-B
New York State Human Rights Law
New York State Labor Law
D. DEFINITIONS

Affirmative Consent ("Consent")
Although the CIA requires affirmative consent on all campuses, the definition of affirmative consent must vary somewhat due to state law requirements in New York and California.

Affirmative Consent (California): Affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Affirmative Consent (New York and Texas): Knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

The following principles relating to affirmative consent apply on all campuses:

Consent as a pre-requisite for any sexual engagement is called for by respect for individual autonomy—the right and ability to make decisions for oneself. In order to give Consent, a person must be of the legal age of consent—17 in New York and Texas and 18 in California. Consent must be freely and actively given; it cannot be obtained by coercive use of force, threats or intimidation. Coercion, force, or threat of either invalidates consent. Consent to one form of sexual activity does not imply Consent to other forms of sexual activity, nor does past consent to intimacy imply Consent to future intimacy. Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another. Consent may initially be given but withdrawn at any time. When Consent is withdrawn or can no longer be given, sexual activity must stop.

Individuals must be able to understand what they are doing in order to Consent to a sexual activity. A person who is incapacitated cannot give Consent because they lack the ability to knowingly choose to participate. Incapacitation may be caused by unconsciousness, being asleep, having a cognitive disability, being involuntarily restrained, the consumption of quantities of alcohol, drugs or other intoxicants or a variety of other circumstances. Consent is required regardless of whether a person initiating the act is under the influence of drugs and/or alcohol. Under this policy, “Yes” may
not always mean “Yes” and “No” always means “No.” Anything but a clear, knowing and voluntary Consent to any sexual activity is equivalent to a “No.”

In any romantic or sexual relationship between individuals in unequal positions (such as professor and student, supervisor and employee), even with Consent, there are inherent risks. These relationships may be less consensual than perceived by the individual whose position confers power. Intimate relationships also have the potential to interfere with the CIA’s ability to provide an appropriate and safe working and learning environment for Students and Employees; and may constitute sexual harassment or other unlawful discrimination. As a result, the CIA has adopted a comprehensive Fraternization Policy, which can be found on the Student and Employee/Faculty portals.

**Appeals Officer:** An officer appointed by the CIA’s Title IX and Age Discrimination Act Coordinator or 504 Coordinator to oversee the appeals process as outlined in this Policy.

**Business Days:** The days of operation for the CIA: i.e., Monday – Friday, where classes are in session and/or administrative offices are open, except for the designated summer break and winter holiday break when campuses are closed to the public.

**CIA Community:** The Employees, Students, Nonemployee Workers and Third Parties at all CIA campuses. *See also* Third Parties.

**Coercion:** When someone is compelled, through force, intimidation, or severe emotional manipulation, to act out of character or without regard for their own individual desire or volition. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get Consent from another. When someone makes it clear that they do not want sex, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be considered coercive.

**Complainant:** Any Employee (Faculty or Staff), Non-employee Worker, Student, or Third Party who files a formal report or statement alleging conduct that is prohibited by this Policy.

**Complaint:** A statement including one or more allegations of Prohibited Conduct under this Policy.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Discrimination:** Intentionally or inadvertently treating individuals or groups less favorably because of their protected characteristic(s) as listed in the Policy Statement. Discrimination may occur when an individual acts in a prejudiced or biased manner in the conduct of their day-to-day CIA activities,
such as attending class or working.

**Domestic Violence:** A felony or misdemeanor crime of violence committed against a victim by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Employee:** An individual employed by the CIA. All full-time, part-time, or temporary employees fall under this class, including faculty, staff, and student workers.

**Faculty:** The teaching staff of the CIA, or of one of its departments or divisions, viewed as a body with individual members.

**Force:** The use of physical violence and/or imposing on someone physically to gain sexual access.

**Harassment:** Unwelcome and/or offensive behavior, based on one or more of the protected characteristics listed in the Policy Statement, that is either severe or repeated and pervasive such that it has the intended purpose or effect of interfering with an individual’s work or academic performance; or creating an intimidating, hostile, or abusive work or educational environment. Harassment can take many forms, such as words, visual images, gestures, or other verbal or physical conduct by any means. To constitute Harassment there must be a finding that the conduct meets each element of this definition. Harassment includes, but is not limited to:

- Epithets, slurs, or negative stereotyping;
- Threatening, intimidating, or hostile acts; and
- The circulation or display of written or graphic material that belittles or shows hostility or aversion toward an individual or group including through e-mail and other electronic media.

**Hearing:** A formal meeting conducted by a Hearing Officer to review the findings of an investigation and provide an opportunity for all parties to be heard. It is intended to be a non-adversarial review of the investigation.

**Hearing Officer:** An individual appointed by the CIA’s Title IX and Age Discrimination Act Coordinator or 504 Coordinator to oversee the Hearing of a reported case.

**Intimidation:** Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Investigator:** An individual appointed by the CIA’s Title IX and Age Discrimination Act Coordinator or 504 Coordinator to perform and document an inquiry for ascertaining facts
through detailed and careful examination of all information presented using various means of discovery.

**Minor:** A person under the age of eighteen (18) who is not enrolled in degree-granting courses at the CIA.

**Nonemployee Worker:** An individual who works on campus but is employed by an entity other than the CIA, such as a vendor or contractor.

**Prohibited Conduct:** Any or all of the following (*see too specific definitions*): Dating Violence, Discrimination, Domestic Violence, Harassment, Retaliation, Sexual Assault, Sexual Assault-Nonconsensual Sexual Contact, Sexual Assault-Non-consensual Sexual Intercourse, Sexual Exploitation, Sexual Harassment, Sexual Violence and Stalking.

**Quid Pro Quo:** Latin phrase meaning “something for something.” In the Sexual Harassment context, it means an exchange of favors, for example, if a manager, faculty member, or other authority figure offers or hints that they will give an individual a benefit (e.g., a better grade, a raise or a promotion) in return for sex.

**Reporter:** An individual who makes a formal statement including one or more allegations of Prohibited Conduct under this Policy, and may be the alleged victim (Complainant) or someone else.

**Respondent:** Any CIA Student, Employee (Faculty member or staff) or Nonemployee Worker who has a formal Complaint filed against them; a person accused of Prohibited Conduct.

**Retaliation:** An intentional action taken by a Respondent or allied person, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in the investigation or Hearing of a complaint of a violation of this Policy or civil rights laws. Unfavorable retaliatory action can include:

- Discharge;
- Demotion;
- Reduction of pay or hours;
- Withholding wages, overtime pay, or promotions;
- Denying benefits or opportunities;
- Not hiring or rehiring the person;
- Intimidating, harassing, or otherwise mistreating the individual; and/or

**Sexual Assault** is divided into the following two categories of behavior:

**Sexual Assault–Non-consensual Sexual Contact:** Behavior including any intentional touching of a sexual nature, however slight, whether clothed or unclothed, with any object
or body part by a person against another person that is without Affirmative Consent and/or by force. Examples include, but are not limited to:

- Intentional contact with the breasts, buttocks, groin, or genitals;
- Intentional touching of another with breasts, buttocks, groin, or genitals;
- Compelling someone to touch another person or oneself in a sexual manner; and
- Any intentional bodily contact in a sexual manner.

**Sexual Assault—Non-consensual Sexual Intercourse:** Behavior including any sexual intercourse, however slight, with any object or body part by a person against another person that is without Affirmative Consent and/or by force. Examples include, but are not limited to:

- Vaginal penetration by a penis, object, tongue or finger;
- Anal penetration by a penis, object, tongue or finger; and
- Oral copulation (mouth-to-genital contact or genital-to-mouth contact).

**Sexual Exploitation:** When an individual takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and the behavior does not otherwise constitute another Sexual Misconduct offense. Examples include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual taking and/or distributing photography, video, or audio-taping of sexual activity;
- Allowing others to observe sexual activities without Consent;
- Engaging in voyeurism;
- Knowingly transmitting a sexually transmitted infection or human immunodeficiency virus (HIV) to another person;
- Exposing one’s genitals in non-consensual circumstances; and
- Inducing another to expose their genitals.

**Sexual Harassment:** Unwelcome, gender-based conduct that is verbal, physical or of a sexual nature and that is sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, limiting, or denying someone the ability to participate in or benefit from the CIA’s employment or educational programs. The unwelcome behavior may be based on power differentials (*quid pro quo*) or create a hostile environment. Examples of sexual harassment include, but are not limited to:

- Attempting to coerce an unwilling person into a sexual relationship;
- Repeatedly subjecting a person to egregious, unwanted sexual attention;
- Punishing a refusal to comply with sexual advances;
- Conditioning a benefit on submitting to sexual advances;
- Unnecessary touching, or brushing against a person;
- Unwelcome communications of a sexual nature;
- Humor or jokes about sex including sexual innuendo; and
- Verbal and/or physical aggression toward another based upon their status as transgender or a perception that the other fails to conform to stereotypical notions of expected characteristics for males or females.

**Sexual Misconduct:** Unwelcome behavior of a sexual nature, including: Dating Violence, Domestic Violence, Sexual Assault, Sexual Exploitation, Sexual Harassment and Stalking. Sexual Misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender.

**Sexual Violence:** A category of behavior including Sexual Assault, Dating Violence, Domestic Violence and Stalking. See too specific definitions.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Examples of stalking include, but are not limited to:
- Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email;
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreation place;
- Making direct or indirect threats to harm the victim, their children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Harassing victim through the internet;
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; and
- Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting their friends, family, work, or neighbors, etc.

**Student:** An individual who is registered in a credit or degree program at the CIA.

**Third Party:** An individual who is a guest, visitor, restaurant patron, continuing education student, or any other individual on campus or participating in activities of the CIA who is not an Employee, Nonemployee Worker or Student as defined in this Policy. A minor shall also be considered a Third Party under this policy and all complaints regarding minors as set forth under the CIA Protection of Minors Policy (SA-001-R-001) shall be handled through these procedures.

In addition to the above definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking provided for in this policy, the definitions of these offenses, as well as statutes that contain elements of these offenses for the CIA’s three domestic campuses in New York, California and Texas
E. PROCEDURES

1. Reporting and Response

Any member of the CIA Community who believes they have been subjected to Prohibited Conduct in violation of this Policy should use one of the reporting channels outlined below to report their concerns and seek assistance from on-campus and/or off-campus resources. In response to the receipt of a Complaint, the CIA will conduct an immediate initial review to determine if there is reasonable cause to believe that this Policy has been violated. If so, the CIA will initiate a prompt, thorough, fair, and impartial investigation in order to make a reliable determination about whether a violation of this Policy has occurred. The Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate, will be responsible for ensuring that the appropriate procedures are followed during the investigative process. If allegations are substantiated, the CIA will take steps to prevent further Prohibited Conduct to correct the effects of such conduct and to impose sanctions as appropriate.

All Reporters may expect:
- To have reports of Prohibited Conduct taken seriously by the CIA;
- To have reports of Prohibited Conduct investigated and properly resolved through appropriate administrative procedures;
- That the Investigator will share information about the matter only as they may deem necessary to ensure an effective and thorough investigation and/or seek resolution;
- That although the CIA will safeguard the privacy of the Complainant and Respondent to the greatest possible extent, the information collected during the investigative process may be subpoenaed (demanded) in civil or criminal proceedings.

When a student or employee reports to the CIA that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the CIA will provide the student or employee a written explanation of the student’s or employee’s rights and options. To see the full Complainant Bill of Rights and Respondent Bill of Rights please refer to the appendix of this policy, or go to https://www.ciachef.edu/harassment-policy/.

2. Scope and Limits of Confidentiality

Individuals are encouraged to carefully review all of their reporting options before deciding whether and to whom to report. It is important to know that some resources are Confidential Resources – i.e., persons who can offer support, advice or other services and who are generally not required to further report, initiate an investigation, or otherwise take action in response to the information you provide – while other resources are not confidential.
2.a. Confidential Resources – Not Subject to Mandatory Reporting—Does Not Constitute Notice to the CIA.

If a Complainant desires that an allegation be discussed on an entirely private and confidential basis, they may speak with one of the following Confidential Resources, who are not Responsible Employees and therefore not subject to mandatory reporting, unless an exception applies:

- New York campus: Counseling and Psychological Services mental health counselors, and/or Health Services providers
- California campus: mental health counselors/therapists
- Texas campus: Director – Compliance & Information Privacy (located on the New York campus)
- See the full list of SART and Confidential Resources for all campuses at https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf
- Off-campus in all states: rape crisis resources, and/or clergy acting in the capacity of spiritual advisor.

On-campus licensed health services and mental health professionals’ licensure requires confidentiality from reporting allegations of sex discrimination and harassment/assault while working in their professional capacities. **Neither the CIA nor the law requires that the private information shared by an individual with those working as Confidential Resources be shared with anyone except in circumstances (a) where there is risk of harm to self or others or (b) involving a minor.**

The on-campus licensed mental health professional shall provide individuals who disclose that they have been subjected to Prohibited Conduct with information as to how to file a complaint with the Title IX and Age Discrimination Act Coordinator or 504 Coordinator. The professional will put the individual in touch with the appropriate Coordinator upon request.

In cases of disclosures of Prohibited Conduct made to Confidential Resources, the CIA shall not be considered to have actionable knowledge of the incident or situation and therefore the Complainant should have no expectation of the matter being investigated or resolved by College authorities.

2.b. Non-Confidential Reporting to Responsible Employees

Although the CIA will protect the privacy of persons involved in an investigation to the greatest extent possible, once a Complaint has been filed, it is the CIA’s responsibility to take appropriate action to resolve the situation. Certain categories of Employees (called Responsible Employees) are mandated reporters under this Policy, meaning that if they have been informed of alleged Prohibited Conduct, they must report it further.

CIA Employees working in the following departments or roles are considered Responsible
Employees: Campus Safety, Deans, Directors, Faculty, Human Resources, Managers/Supervisors, Residential Life, and Student Affairs.

Responsible Employees are required to report any allegation of Sexual Misconduct to the Title IX and Age Discrimination Act Coordinator, and any allegation of disability-based discrimination, harassment or failure to accommodate to the 504 Coordinator, regardless of the wishes of the Reporter or alleged victim.

**Responsible Employees who become aware of an incident of Sexual Misconduct, including Sexual Harassment, and fail to report it to the Title IX Coordinator will be subject to disciplinary action.**

Employees who are not classified as Responsible Employees or Confidential Resources are strongly encouraged to report all instances of Prohibited Conduct to enable the CIA to remediate its effects and prevent further misconduct.

### 3. Reporting Options

Any Third Party who wishes to file a Complaint for violations of this Policy may contact the CIA’s Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate.

For all other Complainants, there are three primary ways to report concerns under this Policy: by telephone hotline, by electronic (Web-based) hotline, and in person.

**Important:** The telephone hotline and electronic hotline reporting options should *not* be used in case of an emergency because they *cannot* provide an immediate response in *real time*. **An emergency situation (including where an individual is at risk of harm to self or others) must be reported immediately to 911 or to CIA Campus Safety.**

3.a. **By Telephone Hotline**

Available 365 days/year, 24 hours/day:

Call the Telephone Hotline at (845) 905-4477 at any time and leave a message in the confidential voicemail box. Such messages are relayed electronically to appropriate individuals within the CIA for follow-up. This channel includes an anonymous option (without identifying the Reporter), but the CIA’s ability to meaningfully investigate and pursue disciplinary action may be limited as a result.

3.b. **By Web-based Hotline Submission**

Available 365 days/year, 24 hours/day:

- **Internal (within the CIA) option:** choose the appropriate feature from the menu at [https://ciamainmenu.culinary.edu/Pages/Reporting.aspx](https://ciamainmenu.culinary.edu/Pages/Reporting.aspx); or
- **Public option:** Go to [https://www.ciachef.edu/harassment-policy/](https://www.ciachef.edu/harassment-policy/) and follow the prompts to
make a Complaint. Reports received by these means are relayed electronically to appropriate individuals within the CIA for follow-up. This channel includes an anonymous option (without identifying the Reporter), but the CIA’s ability to meaningfully investigate and pursue disciplinary action may be limited as a result.

3.c. **In Person**

A variety of personnel are available for in-person reporting. See this link for SART information: https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf

- **All Campuses**: Contact the Title IX and Age Discrimination Act Coordinator/Deputy Coordinator (see contact information above, Section B), the 504 Coordinator or Human Resources; see also Sexual Assault Response Teams (SART) below
- **New York Campus**: Contact Office of Student Affairs or Campus Safety
- **California Campus**: Contact Office of Student Affairs or Campus Safety
- **Texas Campus**: Contact Education Department
- **Singapore Campus**: Contact Managing Director

3.d. **Sexual Assault Response Team (SART)**

A Sexual Assault Response Team (SART) is available at each CIA campus. SART Advisors are trained Employees who are first responders to complaints of Sexual Misconduct. They provide the Complainant with support and assistance, access to resources both on campus and off campus, as well as information about Sexual Assault, Dating Violence, Domestic Violence, and Stalking. For current campus-specific SART contact information, see https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf.

SART Advisors use a survivor-centered approach by providing the Complainant key information and letting them make decisions based on what feels comfortable. Upon initial contact, SART Advisors will:

- Provide information on immediate steps victims of sexual assault should take (https://www.ciachef.edu/uploadedFiles/Pages/CIA_Policies/immediate-steps.pdf)
- Offer information about resources the Complainant might use to address personal, medical, psychological, safety, and academic concerns related to the incident;
- Provide guidance on procedures to be followed and names to be contacted for gaining rapid access to these resources;
- Offer to make initial contacts with resource providers and to introduce the Complainant to appropriate contact people, both on and off campus;
- Clarify distinctions between campus, civil, and criminal adjudication procedures and offer to help the Complainant make initial contacts with appropriate offices on campus;
• Serve as a liaison with other members of SART who may share more extensive knowledge of particular resources that the Complainant is interested in pursuing; and
• Remain in close contact with the Title IX Coordinator to ensure a coordinated, timely and appropriate support system for the Complainant.

4. Contacting Law Enforcement

Anyone in immediate danger should dial 911 and attempt to get to a safe place.

Anyone not in immediate danger who would like to report an incident to the police can do so by contacting the local police department: [https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf](https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf)

Acts of Sexual Violence are against the law. If an individual would like someone to assist them in contacting the police or to go with them to the police department, any of the following individuals at the CIA can help:

• Campus Safety/Security officials
• Title IX and Age Discrimination Act Coordinator or Deputy Coordinator
• Student Affairs staff members
• Human Resources representatives

Victims may report an incident to law enforcement regardless of whether they choose to report the incident to the CIA. Conversely, reporting an incident to the CIA does not require the Complainant to report the incident to law enforcement. The CIA reserves the right to report any crime to law enforcement, but as a general rule, will not alert law enforcement to an incident of sexual misconduct without the Complainant’s permission, except where there is a serious and immediate threat to the campus community, when a minor is involved, or as otherwise required by law.

In addition to the protective measures that the CIA may take, law enforcement may be able to assist in obtaining additional protections, such as an order of protection or restraining order. The CIA can assist Students in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

The CIA maintains a Memorandum of Understanding (“MOU”) with local law enforcement at each of its domestic campuses to ensure cooperation between local law enforcement, Campus Safety and the Title IX Coordinator during the course of an investigation.

The CIA will investigate an alleged violation of this Policy regardless of whether a criminal investigation is being conducted. In the event a criminal investigation is conducted into events that are the subject of an investigation under this Policy, the CIA will not delay its investigation unless specifically requested by law enforcement. Even then, the investigation will not be delayed more than ten (10) days, absent extraordinary circumstances.

5. Requests by Student-Complainants Not to Investigate or Take Disciplinary Action in
**Cases of Sexual Violence**

The CIA has an obligation to provide a safe, non-discriminatory environment for all members of the CIA community, including alleged victims of Prohibited Conduct. Responsible Employees must report incidents of Sexual Violence of which they become aware to the Title IX Coordinator, regardless of the wishes of accusing persons or reporting parties.

If a person reports an alleged incident of Sexual Violence to a Responsible Employee but requests that their identity remain confidential or that no investigation be conducted or no disciplinary action be taken, only the Title IX Coordinator or designee, in consultation with an appropriate senior administrator, has the authority to grant or deny such a request. If the CIA honors the request not to disclose the identity of a victim, its ability to meaningfully investigate the allegation may be limited.

When weighing a Complainant’s request not to disclose their identity or that no investigation or disciplinary action be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the Respondent will commit additional alleged acts of sexual or other violence;
- Whether there have been other Sexual Violence complaints about the same Respondent;
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the Respondent allegedly threatened further Sexual Violence or other violence against the Complainant or others;
- Whether the Sexual Violence was committed by multiple Respondents;
- Whether the Sexual Violence was allegedly perpetrated with a weapon;
- Whether the Complainant is a minor;
- Whether the CIA possesses other means to obtain relevant evidence of the alleged Sexual Violence (for example, security camera recordings or personnel’s testimony, physical evidence);
- Whether the Complainant’s report reveals a pattern of alleged Prohibited Conduct at a given location or by a particular group.

The presence of one or more of these factors could lead the CIA to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the CIA will likely respect the Complainant’s request. If the CIA determines that it cannot honor the request, the CIA will inform the Complainant before starting an investigation and will, to the extent possible, share information only with people responsible for handling the CIA’s response. The CIA will remain attentive to the Complainant’s well-being, will take ongoing steps to protect them from Retaliation or harm, and will work with the Complainant to create a safety plan. Retaliation against the Complainant, whether by Students, Employees, Nonemployee Workers or Third Parties, will not be tolerated.

Pursuant to law, the CIA cannot honor an employee or non-employee worker’s request not to investigate an allegation of sexual misconduct in the workplace.
6. Additional Measures

The CIA will also:

- Assist the Complainant in accessing other available victim advocacy, academic support, counseling, disability, and health or mental health services;

- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests; and

- Inform the Complainant of the right to report a crime to campus safety/security or local law enforcement – and provide the Complainant with assistance if requested.

The CIA will not require a Complainant to participate in any investigation or disciplinary proceeding, but the Complainant’s lack of participation may compromise the CIA’s ability to meaningfully investigate the allegations and pursue disciplinary action.

Because the CIA is under a continuing obligation to address the issue of Sexual Violence campus-wide, reports of Sexual Violence (including non-identifying reports) will also prompt the CIA to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

7. Resolution Procedures and Safeguards

7.a. Informal Resolution Process

In certain circumstances, when it is acceptable to both parties, it may be possible for a Complainant to resolve a concern through an informal resolution procedure. The CIA offers a mediated resolution option for parties, in which the Title IX Coordinator will appoint a mediator, who will suggest a resolution to the parties, which they may accept or reject.

In resolving any problem or issue as outlined above, the CIA does not require either party to communicate directly with the other.

7.b. Formal Resolution Process

All Complainants should take the following steps when formally reporting an incident of Prohibited Conduct:

- Submit a formal Complaint using any of the reporting channels outlined above including: the Complainant’s name and contact information; a description of the alleged incident(s) or behavior, who specifically was involved, when and where it occurred, and the desired
remedy sought. As much detail as possible should be provided regarding the alleged incident (who, what, when, where, why, and how).

- Provide, if possible, any supporting documentation and evidence of the allegations that are immediately available. These items should be referenced within the body of the formal Complaint.

- Submit any additional supporting materials as quickly as is possible.

If the Complainant reports the incident orally (by speaking) rather than in writing, the Title IX and Age Discrimination Act Coordinator or the 504 Coordinator, as appropriate, or designee, shall prepare a written statement outlining the alleged incident and the nature of the Prohibited Conduct, which shall form the basis of the Complaint and subsequent investigation. The Complainant will be asked to review and sign the written statement.

7.c. Interim Protective Measures

After reviewing the Complaint, the Title IX Coordinator and Age Discrimination Act Coordinator, 504 Coordinator, or the lead Investigator in consultation with the Title IX Coordinator, may take interim protective measures to protect the safety and well-being of the individuals involved and the CIA Community.

The CIA determines which measures are appropriate on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep a Complainant safe and ensure their equal access to CIA programs and activities. If the Complainant identifies an interim measure that is not already provided, the CIA will consider whether the request can be granted. The CIA is obligated to comply with a Student’s reasonable request for a living or academic change following an alleged incident of Sexual Violence. These changes can happen regardless of a formal Complaint, investigation, or campus or criminal charges. In those instances where interim measures affect both the Complainant and the Respondent, the CIA will minimize the burden on the Complainant wherever appropriate.

Interim protective action is temporary and only in effect until the investigative process is complete and a decision is rendered. Available interim protective measures include, but are not limited to:

- An order directing the parties not to contact one another;
- Changes in housing accommodations;
- Temporary loss of housing privileges;
- Changes in academic schedule or other academic accommodations;
- Changes in CIA work schedule, location or reporting line;
- Changes in transportation arrangements;
- Campus restrictions;
- An escort; and/or
- Interim suspension.
These actions may be instituted at any point during the investigative process. Complainants and Respondents are encouraged to request interim protective measures when needed.

Protective measures will be kept confidential to the extent possible. Only those individuals who need to be informed in order to effectuate the measures will be informed. For instance, if a party requests a change in work schedule, their supervisor(s) will need to be informed in order to effectuate the change.

Student Complainants and Respondents may request review and modification of any interim protective measure(s) that directly impact them, including review of the need for and terms of the protective measure(s), by submitting a request in writing to the Title IX and Age Discrimination Act Coordinator along with any evidence they wish to present. In the event the measure impacts the other party, they will be given an opportunity to state their position and present evidence as appropriate. The Title IX and Age Discrimination Act Coordinator or designee will review the submissions and make a determination.

Depending upon the circumstances, some or all of the protective measures may be lifted once the process is complete and a decision is rendered, or they may be continued to assist the Complainant after a determination has been made, even if it is determined that some or all of the allegations have not been substantiated. Failure to comply with a directive relating to a protective measure may lead to further disciplinary action.

In addition to the measures that the CIA may take, law enforcement may be able to assist in obtaining additional protections, such as a restraining order or order of protection. The CIA can assist students in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

7.d. Retaliation Prohibited

CIA policy as well as federal and state laws prohibit Retaliation against any individual for making a good faith Complaint of Prohibited Conduct or for serving as a witness or otherwise providing information in connection with a Complaint of Prohibited Conduct. Incidents of Retaliation will be treated as separate violations of CIA policy and will be thoroughly investigated. Those persons found to have engaged in Retaliation will be subject to disciplinary action.

8. Student Amnesty from Drug, Alcohol and Other Conduct Policies

The health and safety of every student at the CIA Community is of utmost importance. The CIA recognizes that students who have been drinking and/or using drugs (whether such use is voluntarily or involuntarily) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The CIA strongly encourages Students to report domestic violence, dating violence, stalking, or sexual assault to CIA officials. A Student bystander acting in good faith or a reporting Student acting in good faith who discloses any incident
of domestic violence, dating violence, stalking, or sexual assault to CIA officials or law enforcement will not be subject to the CIA’s Student Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the domestic violence, dating violence, stalking, or sexual assault.

In addition to amnesty (forgiveness) for alcohol and drug violations, a Student who participates in good faith as a Complainant, a witness in an investigation or a bystander in relation to an alleged incident of Sexual Violence will not be subject to disciplinary sanctions for any violation of the CIA’s Student Conduct policies at or near the time of the alleged incident, unless the CIA determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

9. Conflicts of Interest

Both the Complainant and the Respondent have the right to have a fair and impartial investigation, determination and appeal. If either party has any reason to believe that the Investigator, the Title IX and Age Discrimination Act Coordinator, the 504 Coordinator or any of the Hearing or Appeals Officers has a conflict of interest or would otherwise be unable to be fair and impartial, the concerned party should submit a letter explaining the basis for their concern.

- Regarding the Investigator or the Hearing Officer, to the Title IX and Age Discrimination Act Coordinator or 504 Coordinator;
- Regarding the Title IX and Age Discrimination Act Coordinator, to the 504 Coordinator; and
- Regarding the 504 Coordinator, to the Title IX and Age Discrimination Act Coordinator.

The other party will be provided with a copy of the letter and will have an opportunity to respond. Based upon those submissions and any independent inquiry the decision-maker may choose to make, if it is determined that a conflict of interest exists, another individual will be appointed to take on the role of the conflicted person. If it is found that no conflict of interest exists, the individual will continue in their role. Concerns regarding conflicts of interest should be raised as soon as they are identified and before the allegedly conflicted person renders a determination, for example, prior to the submission of the investigative report, the Hearing Officer’s determination, or the appeal decision.

10. Investigative and Disciplinary Procedures

For the purposes of this Policy, the following protocol will be applied to all Complaints of Prohibited Conduct, unless indicated otherwise herein. Elements of the protocol are organized as follows: Investigative Process; Investigative Findings; Sanctions; Hearings; and Appeals.

10.a. Investigative Process

The following process shall apply to all investigations conducted under this policy.

Upon receipt of a Complaint, the Title IX and Age Discrimination Act Coordinator or 504
Coordinator as appropriate, working with the appropriate CIA office, will open a formal case file and assign an Investigator. The Investigator will direct the investigative process and confer with the Title IX and Age Discrimination Act Coordinator and/or 504 Coordinator as appropriate on interim protective measures and/or other necessary short-term actions.

There will be no Retaliation against any individual for filing a Complaint and/or for assisting, testifying, or participating in the investigation of a Complaint.

All Complaints will be kept private and disclosed only to the extent necessary for a thorough investigation.

During the course of an investigation, certain investigative procedures may take place which include, but are not limited to, the following:

An initial meeting with the Respondent will be held by the Title IX and Age Discrimination Act Coordinator, 504 Coordinator, or designee to inform them that a formal complaint has been filed against them and to explain the nature of the allegations.

The Respondent and Complainant may be accompanied during any meeting or proceeding by a single advisor of their choice. Advisors may speak privately to their advisee during any such meeting or proceeding. Either party may request a brief recess to consult with their advisor, which may be granted at the discretion of the Investigator or Hearing Officer conducting the meeting or proceeding. Advisors may not present evidence, present witnesses, or otherwise participate in any meeting or proceeding. The advisor may be an attorney in cases involving allegations of Sexual Violence only.

A formal investigation will be commenced, usually within ten (10) Business Days after the Complaint is made. The Investigator will take the following steps:

- Thoroughly review the Complaint and all supporting documentation and evidence.
- Confirm the identity and contact information of the Complainant.
- Meet with the Complainant.
- In coordination with the Title IX and Age Discrimination Act Coordinator, or 504 Coordinator if appropriate, initiate any necessary interim protective measures.
- Commence a thorough, reliable and impartial investigation, which may include developing an investigative plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the Respondent.
- Give both the Complainant and the Respondent the opportunity to identify witnesses and provide relevant documentary and physical evidence. (This may include, but is not limited to, texts, emails, photos, social media posts, voicemail messages, etc.) The Investigator will have sole discretion as to whether to interview suggested witnesses.
- Where the Complainant is a Third Party, the Investigator will make a good faith effort to contact and interview them and/or obtain a written statement along with any materials that may support the Investigation.
- Contact or request meeting(s) with other person who may be able to provide additional relevant information.
• Exclude from consideration information about the romantic or sexual history of either the Complainant or the Respondent, except as provided by the Complainant or Respondent relating to their shared history. If either party offers such information, the other will have the right to respond.

• Consider objections raised by either party exercising their right to object to the Investigator’s consideration of their own mental health history or treatment. In the event such an objection is raised, the Investigator will neither gather nor consider information regarding mental health diagnosis or treatment.

• Exclude information about prior alleged misconduct, if the Respondent is a student.

• Make a finding, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.

No audio or video recording of any kind of the proceedings under this Policy is permitted by any party, unless circumstances require such accommodations. The decision to permit an accommodation will be made by the Investigator and the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate.

In their discretion, the Investigator may set behavioral guidelines for or remove a disruptive person from a meeting being held under their authority, and/or may bar such person from future meetings in the matter.

The Investigator will normally complete the investigation within sixty (60) Business Days after the investigation is commenced. The Investigator will then issue a formal report detailing the results of the investigation and recommended corrective action, if any, for consideration by the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate.

The formal report, and any additional supporting documentation, is to be shared with the Title IX and Age Discrimination Act Coordinator or 504 Coordinator, as appropriate, who may share its contents with appropriate CIA administrative personnel and/or legal counsel as needed. Except in cases of Sexual Violence, as described below, the contents of the final report and supporting documentation will not be shared with the Respondent or Complainant in written format and is the sole property of the CIA.

If the Complainant or the student Respondent chooses not to cooperate in the investigation, the Investigator will still complete the investigation and prepare a formal report based solely upon the information available. No adverse inference will be made as a result of a Complainant or Student Respondent’s decision not to participate in the investigation. Employee Respondents who refuse to cooperate in the investigation may be subject to disciplinary action, up to and including dismissal. A Nonemployee Worker Respondent’s refusal to cooperate in the investigation will result in appropriate action, up to and including removal from campus and/or termination of the individual’s relationship with the CIA.

If the Complainant chooses to withdraw the Complaint prior to the completion of the investigation, the Title IX and Age Discrimination Act Coordinator or 504 Coordinator will determine whether to continue to pursue the Complaint considering the factors outlined above under Requests by Complainants Not to Investigate or Take Disciplinary Action.

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10.b. Investigative Findings

The following procedures will be used at the conclusion of an investigation.

Within fifteen (15) Business Days of the conclusion of the investigation the Investigator will provide a final report of their findings to the Title IX and Age Discrimination Act Coordinator or 504 Coordinator, as appropriate, for review and consideration.

Within fifteen (15) Business Days of receipt of the final report, the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate will provide the Complainant and Respondent with written notice of the findings of the investigation. In cases of Sexual Violence, the parties will be provided with written notice of the date, time, location and factual allegations concerning the violation as well as the possible sanctions.

The Title IX and Age Discrimination Act Coordinator or 504 Coordinator or a designee may also hold individual meetings with the Complainant and Respondent as necessary to review the investigative findings. In cases of alleged Sexual Violence, the parties will each have an opportunity to review the investigative report but will not be provided with a copy of the report and will not be permitted to take photographs or make a copy of it.

10.c. Sanctions

If both parties accept the findings and there is found to be no violation, the matter will be closed.

If both parties accept the findings and a violation has been found to have occurred, the appropriate office (depending on the identity of the Respondent, as set forth below) will impose sanctions in writing for the violation, after consultation with the Title IX and Age Discrimination Act Coordinator, or 504 Coordinator, if appropriate. The following offices shall be responsible for recommending and/or imposing disciplinary sanctions:

For Students – Dean of Student Affairs
For Faculty – Academic School Dean or Branch Campus Academic Director
For Academic Administrators – Vice President of Academic Affairs
For all other Employees – Department Head in consultation with Human Resources.

Nonemployee Workers who are found responsible for violating the policy will not be permitted to continue to provide services at the CIA.

Nothing herein shall prevent the Title IX Coordinator from consulting with Human Resources regarding possible sanctions in any matter involving any CIA employee.

In cases of Sexual Violence where the Complainant is a Student, the parties may submit an impact statement describing how the matter and/or possible sanctions affect them. The impact statement must be submitted within five (5) days of receiving notification that the parties have
accepted the findings and prior to a sanctions determination being made.

In cases of Sexual Harassment or Sexual Exploitation, the Complainant will be informed of any sanctions placed upon the Respondent that directly affect the Complainant. In cases of Sexual Violence, the Complainant will be informed of all sanctions imposed upon the Respondent.

If either or both the Respondent or Complainant reject the findings of the investigation (in whole or in part), they must notify the Title IX and Age Discrimination Act Coordinator, or 504 Coordinator if appropriate in writing within five (5) Business Days of receiving the notification of the investigative outcome. Nonemployee Workers do not have the right to reject the findings of the investigation or request a hearing or appeal.

10.d. Hearing

Where the Respondent or Complainant has rejected the findings of the investigation (in whole or in part), a Hearing Officer\(^1\) will be appointed by the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate. The Hearing Officer will be charged with making a final ruling following the Hearing on the basis of the preponderance of the evidence. Such ruling shall be subject to appeal as outlined within this Policy.

Within twenty-one (21) Business Days of a party’s rejection of the investigative findings, the Hearing will be held. The purpose of this hearing will be to provide an equitable process, respecting the civil and legal rights of all participants, for resolution. The Hearing does not include a review of any interim protective measures or proposed sanctions. The Hearing Officer will be charged only with considering the Investigator's findings in light of any additional evidence presented by the parties.

Except in cases of Sexual Violence, the Hearing Officer will meet with each party separately, and the parties will not be present at any meeting that the Hearing Officer elects to have with a witness. In cases of Sexual Violence only, the parties will have the opportunity to be present (either in person or via telephone) when the Hearing Officer questions the other party or witnesses. If the parties are not comfortable being in the same room together, appropriate arrangements will be made. At no time will a party be permitted to question another party or witness.

Through the hearing process, the parties will be provided:

- The opportunity to meet with the Hearing Officer to address the Investigator's findings and to speak and present evidence on their own behalf;
- The opportunity to be accompanied by an advisor or support person. In cases of Sexual Violence, the advisor can be an attorney; in all other cases, Employees (faculty and staff) are limited to advisors from the CIA Community;
- The opportunity to identify witnesses to the Hearing Officer who can speak about the alleged conduct at issue\(^2\); and

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\(^1\) Or Hearing Panel, as appropriate in California.

\(^2\) In California Only: Prior to the hearing, the parties will have an opportunity to suggest witnesses and propose
• The opportunity to raise issues and/or questions for the Hearing Officer to consider and/or to review with the Investigators, the Complainant, or other witnesses.

• The opportunity to present an impact statement.

The Hearing Officer will provide a final report to the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate. This final report shall include specific findings of fact and a determination whether the Respondent violated this Policy.

If it is determined that the Respondent violated this policy, the Title IX and Age Discrimination Act Coordinator or 504 Coordinator shall refer the matter to the appropriate office (depending upon the status of the party), which will determine sanctions in consultation with the Title IX and Age Discrimination Act Coordinator, or 504 Coordinator, as appropriate.

All parties will be notified in writing within fourteen (14) Business Days of the final determination of the Hearing Officer. In cases of Sexual Harassment or Sexual Exploitation, the Complainant will also be informed of any sanctions placed upon the Respondent that directly affect the Complainant. In cases of Sexual Violence, the Complainant will be informed of all sanctions imposed upon the Respondent.

11. Appeals

If a Respondent or Complainant does not accept the findings of the Hearing Officer, the party may request an appeal through the following procedures. The request for appeal must be submitted within five (5) Business Days of receipt of the Hearing Officer’s decision.

Appeals are not intended to be full re-hearings or the basis for a new investigation of the Complaint. The Appeals Officer may accept or modify the original decision. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The Appeal Officer’s decision to deny a requested outcome on appeal is final.

The ONLY grounds for appeal are as follows:

(a) There was a procedural error that had a material impact on the outcome; and/or

(b) New evidence has come to light that was not previously available and that would alter the original determination.

Any party who files an appeal must do so in writing to the Title IX and Age Discrimination Act Coordinator.

questions. During the hearing, the parties will have a further opportunity to submit additional questions based upon the testimony given by the witness at the hearing. The parties are not, however, permitted to question each other or any other witnesses directly. The panel has the discretion to determine which witnesses to call and to revise and/or decide not to ask proposed questions. The panel will not ask any questions that it deems harassing, abusive, outside the scope of the relevant inquiry or otherwise impermissible under the policy. The panel will not hear character testimony.
Coordinator or 504 Coordinator, as appropriate. The request for appeal will then be forwarded to an appointed Appeals Officer for review. The non-appealing party will be given an opportunity to review the written appeal and submit a written response not to exceed ten (10) pages within five (5) business days. In cases of alleged Sexual Violence involving a Student in New York, the appeal will be reviewed by a panel of three (3) persons. The appeal panel’s determination need not be unanimous but, at least two of the panel members must agree on the outcome.

If the Appeals Officer determines that a procedural error occurred, they may return the original Complaint to the Hearing Officer with instructions to reconvene to remedy the error. The results of a reconvened hearing cannot be appealed.

In rare cases, where the error cannot be remedied by the original Hearing Officer (as in cases of bias), the Appeals Officer may order a new Hearing with a new Hearing Officer appointed by the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate. The results of a new hearing with a new Hearing Officer can be appealed once on the grounds for appeal listed above.

The Appeals Officer may in their discretion suspend any sanctions imposed by the Hearing Officer during the pendency of the appeal and/or any new Hearing of the original Complaint.

The Appeals Officer will render a written decision on the appeal to all parties within twenty-one (21) Business Days from receipt of the request for appeal.

In cases of Sexual Violence, if neither party submits a written appeal within five (5) Business Days of receipt of the Hearing Officer’s decisions, the Title IX and Age Discrimination Act Coordinator or 504 Coordinator, as appropriate, will provide the parties with written notification that the Hearing Officer’s decision is final. In cases involving all other kinds of alleged Prohibited Conduct, the decision will be deemed final upon expiration of the period of time to appeal and no written notice will be provided.

Nonemployee Workers do not have the right to appeal.


12.a. Attempted Violations

In most circumstances, the CIA will treat attempts to commit any of the violations listed in the Student Code of Conduct or Employee Handbook as if those attempts had been completed.

12.b. The CIA as Complainant

As necessary, the CIA reserves the right to initiate a Complaint, to serve as Complainant, and to initiate conduct proceedings without the Complainant’s formal Complaint of Prohibited Conduct.
12.c. False Reports

The CIA will not tolerate intentional false reporting of alleged Prohibited Conduct. It is a violation of the Student Code of Conduct or Employee Handbook to make an intentionally false report of any policy violation, and it may violate state criminal statutes and/or civil defamation laws. Sanctions for false reporting may include disciplinary action up to and including termination of employment, affiliation, or dismissal from the CIA.

12.d. Parental Notification

Generally, the CIA will not disclose a report of Sexual Violence to a Student’s parent(s) without the Student’s permission. However, the CIA reserves the right to notify parents/guardians or other individuals indicated as emergency contacts of Students regarding any health or safety risk. The CIA also reserves the right to designate which CIA officials have a need to know about Student Conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

12.e. Notification of Outcomes

The outcome of a Hearing is part of the educational record of a Student Respondent, and is protected from release under FERPA. However, the CIA observes the following legal exceptions:

- Complainants bringing allegations of Sexual Violence have an absolute right to be informed of the outcome, essential findings, and sanctions of the Hearing, in writing, without condition or limitation.

- The CIA may release publicly the name, nature of the violation and the sanction for any Student who is found in violation of a CIA policy that is a “crime of violence,” including but not limited to: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The CIA will release this information to the Complainant in any of these offenses regardless of the outcome.

12.f. Roles and Duties

While this Policy indicates specific Employees who will typically perform certain roles and duties, the CIA reserves the right to assign other Employees or engage outside individuals to perform any roles or duties as described in this policy.

13. Sanctions

The CIA reserves the right to take measures deemed necessary in response to a substantiated violation of this Policy in order to protect the rights and personal safety of Students, Employees, Nonemployee Workers and Third Parties. When a Student, Employee, Nonemployee Worker or Third Party is found to have violated this policy, serious sanctions may be imposed to reasonably ensure the rights and safety of the CIA Community.
Not all forms of Harassment and Discrimination will be deemed as equally serious offenses. The CIA reserves the right to impose different sanctions ranging from written warning to dismissal, depending on the severity of the offense.

13.a. Sanctions for Students

When an investigation finds that a Student did not violate this Policy, but did violate the Student Code of Conduct, the case will be adjudicated through the process outlined in the Student Code of Conduct. In these cases a Student is subject to the disciplinary and appeal process outlined in the Student Code of Conduct.

When an investigation finds that a Student violated this Policy and the Student Code of Conduct, the sanctions outlined below will be used. Such a Student is subject to the disciplinary and appeal process outlined in this Policy for substantiated violations of this Policy. The following sanctions may be imposed upon any Student found to have violated this Policy, singly or in any combination for one or more violations.

a. Verbal Warning: A verbal warning may occasionally be given to allow a Student to correct a violation in a timely manner.

b. Written Warning: A notice in writing informing a Student that the Student is violating or has violated college regulations, and warning that repeat violations will result in more severe disciplinary sanctions.

c. Demerits: One to twelve (12) demerits may be assessed for verified violations of [the Student Code of Conduct]. A Student is subject to suspension or expulsion from the CIA for an accumulation of 12 demerits within a twelve-month period. Demerits may disqualify a Student from becoming a resident assistant, participating in the Manager-in-Training (MIT) program, living in specific residence halls, participating in intercollegiate athletics, or holding certain student offices.

d. Probation: Probation for a designated time may be assigned. Probation may include specific directives that the Student is instructed to follow, a warning that additional sanctions may be assigned for further violations, and a signed behavioral contract agreement. An accumulation of nine (9) demerits will result in a period of probation.

e. Loss of Privileges: There may be a denial of specified privileges for a designated period of time. This includes, but is not limited to, any and all privileges pertaining to campus housing, operating and parking motor vehicles, campus visitation, student employment, or use of any campus facility or service.

f. Fines: Fines may be assessed. The amount will reflect the degree of seriousness of the violation. All fines are considered legitimate debts to the CIA, and non-payment may result in any of the stated penalties, discontinuation of classes, and/or not attending the commencement ceremony, not receiving the diploma, and/or not receiving copies of student transcripts and records.

g. Restitution: Compensation for loss, damage, or injury may be required. This may take the form of appropriate service and/or monetary payment or material replacement.

h. Community Restitution: Work assignments for a specified number of hours may be given to provide a useful service to the college or local community.
i. **Residence Hall Suspension:** There may be a separation of the Student from the residence halls for a defined period of time. Students with serious disciplinary records are not permitted to reside in or visit residence halls as deemed appropriate.

j. **Loss of Housing:** Permanent separation of the Student from the residence halls may occur. Students expelled from the residence halls are not allowed to visit the residence halls or the grounds adjacent to them.

k. **Completion of an Alcohol Education or Rehabilitation Program:** Successful completion of an approved alcohol or substance abuse rehabilitation or educational program may be required as a condition for continued matriculation if the violation(s) involves alcohol, illegal drugs, or the abuse or misuse of any legal drugs. The CIA may require drug testing by a treatment facility.

l. **Required Assessment or Educational Sessions:** A completed assessment or educational session by a licensed counselor or medical doctor may be required for Students exhibiting behavioral concerns that compromise the safety of oneself or others.

m. **Involuntary Separation:** Significant concerns regarding health and wellness may require the college to place a Student on an involuntary withdrawal or leave of absence, per college policy, until said concern is addressed.

n. **Suspension:** Suspension from the CIA is often for fifteen (15) weeks to one year, but may be for lesser or greater periods of time. Suspension may take effect immediately and includes suspension from classes, residence halls, and all campus visitations, unless specifically authorized. Any Student arrested by the civil authorities and charged with a felony may be immediately suspended from classes, pending further decision by the CIA. Suspension may result in the same loss of privileges as listed under Article III, Section B (1)(c): “Demerits” of the Student Code of Conduct.

o. **Expulsion:** Permanent separation of the Student from the CIA. Note: prior to June 1, 2016, disciplinary “Dismissal” is equivalent to “Expulsion.”

p. **No Contact Orders:** No Contact Orders (NCOs) are temporary directives issued by a conduct officer prohibiting communication between or among designated Students when, in the judgment of the CIA, there is reason to believe that such an order would be in the best interest of all parties. NCOs prohibit all forms of communication between Students: direct or indirect, written, electronic, or through a third party. NCOs are not similar to court-imposed orders of protection and do not guarantee that designated parties will avoid sightings or interactions in class, on the campus, or in the local community. In some circumstances, an NCO may restrict a Student from parts of the campus where the Student would not have to engage in required academic activities. Measures may be enacted to prevent or limit contact between designated Students.

q. **No Trespass or Persona Non Grata Order:** An official notification that an individual is not permitted on the CIA property or campus. This directive includes all campus buildings, grounds, parking lots, and roads. If violated, law enforcement will be notified and the individual may face charges of criminal trespass pursuant to state law. This notice shall remain in effect for a specific time period at the discretion of the conduct officer.

r. **Registration Hold:** A restriction placed on a Student’s account that prevents future registration for classes until other sanctions or requirements are met.

13.b. **Transcript Notations (Applicable to NY Students Only):**

Any Student who is found responsible for Sexual Violence or any other crime of violence as described
in the Clery Act and suspended will have a notation on their transcript indicating, “suspended after a finding of responsibility for a policy violation.”

Any Student who is found responsible for Sexual Violence or any other crime of violence as described in the Clery Act and expelled will have a notation on their transcript indicating, “expelled after a finding of responsibility for a policy violation.”

Any Student who withdraws from the CIA while a complaint of Sexual Violence is pending against them and declines to complete the investigative and disciplinary process will have a notation on their transcript indicating, “withdrew with conduct charges pending.” If a finding of responsibility is vacated for any reason, the transcript notation will be removed.

Students shall have the right to seek the removal of a notation of suspension after one year has elapsed since the end of the suspension. Students wishing to request removal should submit a letter to the Title IX and Age Discrimination Act Coordinator setting forth the justification for removal. Notations of expulsion cannot be removed.

13.c. Employees

When the investigation finds that an Employee violated this Policy, the Employee will be made aware of all the potential sanctions. Sanctions may include, but not be limited to, written discipline, suspension and/or termination as appropriate to the findings and as set forth more fully in the CIA Employee Handbook. More serious findings of Sexual Violence will likely result in termination of employment if appropriate. Employees will be subject to the disciplinary and appeal process outlined in this Policy for substantiated violations of this Policy.

13.d. Nonemployee Workers

Nonemployee Workers who are found responsible for violating this policy will not be permitted to continue to provide services at the CIA and may be banned from campus.

F. RESPONSIBLE CABINET MEMBERS

Vice President – Academic Affairs
Vice President – Finance and Administration
Associate Vice President and Dean, Student Affairs

G. RELATED MATERIALS

Bystander Intervention; Evidence Preservation; Risk Reduction and Sexual Assault Prevention, Education and Training information at: https://www.ciachef.edu/harassment-policy/
The CIA Americans with Disabilities Act/504 Compliance Policy
The CIA Computer and Network Usage Policy
The CIA Employee Handbook
The CIA Fraternization Policy
POLICY HISTORY

Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed: 10/23/2018

Policy Advisory Committee (PAG) Approval to Proceed: 7/12/2019; 9/12/2019 (nonsubstantive revisions)

Board Approval to Proceed (if required), Date

Cabinet Approval to Proceed: 8/1/2019


Scheduled Review Date: upon change in legislation requiring updates.
APPENDIX
To
Harassment, Sexual Misconduct and Discrimination Policy

Bill of Rights in Cases of Sexual Misconduct

For all campuses, the following rights will be afforded:

Complainant Statement of Rights:

As a Complainant alleging Sexual Misconduct you have a right to:

- Privacy, including in accordance with the Family Educational Rights and Privacy Act (FERPA) (for Students only), subject to the CIA’s legal obligation to investigate, remedy and address Sexual Misconduct on campus. The CIA will make all reasonable efforts to ensure the preservation of privacy, restricting information to those with a legitimate need to know;
- A prompt and thorough investigation and appropriate resolution of all credible complaints of sexual misconduct;
- Be treated with dignity and respect throughout the process;
- Receive in writing information regarding how to access available resources, such as counseling, advocates, support, mental health and medical treatment, legal assistance, visa and immigration assistance, academic support and/or accommodations, changes in work schedules or on campus living arrangements, and student financial aid;
- Choose to contact off-campus law enforcement and/or have campus authorities, including campus safety, assist you in contacting law enforcement;
- An outcome based solely on evidence presented during the investigative/adjudicative process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- Be notified simultaneously with the Respondent, in writing, of the outcome, including the outcome of any appeal;
- Be fully informed of the Harassment, Sexual Misconduct, and Discrimination Policy including procedures for reporting, investigation, and resolution of a Complaint, as well as possible sanctions;
- Receive timely information regarding the status of the process, including notice of any significant delay and the reason for such delay;
- Receive assistance by the CIA/Campus Safety to obtain transportation and or escort Students to and from classes, vehicles, residence halls, medical appointments, counseling sessions, legal advising sessions, etc.;
- Appeal the outcome and/or sanction(s) in accordance with the process outlined in this Policy;
- Know that a determination as to whether a violation of this Policy occurred will be based on the preponderance of evidence standard (more likely than not);
- Not have any personally identifiable information released to the public without your consent. No personally identifiable information will be contained in any publically available
reports or disclosures required pursuant to the Clery Act including, but not limited to the daily crime log;

- Not experience Retaliation;
- Disclose, if the Respondent is an Employee of the CIA, the incident to the CIA’s Human Resources authority; and to request that another Employee assist confidentially or privately in reporting to Human Resources;
- Receive assistance from appropriate CIA representatives in initiating legal proceedings in family court or civil court;
- Withdraw a Complaint or involvement from the CIA process at any time;
- Be given a copy of these rights when you make a Complaint.

Respondent Statement of Rights

- As an individual accused of Sexual Misconduct you have a right to:
  - Privacy, including in accordance with the Family Educational Rights and Privacy Act (FERPA) (for Students only), subject to the CIA’s legal obligation to investigate, remedy and address Sexual Misconduct on campus. Additionally, the CIA will make reasonable efforts to ensure the preservation of privacy, restricting information to those with a legitimate need to know;
  - A prompt and thorough investigation and appropriate resolution of all credible Complaints of Prohibited Conduct;
  - To be treated with dignity and respect throughout the process;
  - Receive timely information in writing regarding how to access available resources such as counseling, advocates, support, mental health and medical treatment on and off campus;
  - Receive timely written notice of all alleged violations within the Complaint, including the nature of the alleged violation and possible sanctions;
  - An advisor of your choice through the investigative, adjudicative and/or appeal process;
  - An outcome based solely on evidence presented during the investigative/adjudicative process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
  - Be notified simultaneously with the Complainant, in writing, of the investigative outcome, including the outcome to any appeal and any sanctions that apply;
  - Receive timely information regarding the status of the investigation/hearing, including notice of any significant delay and the reason for such delay;
  - Be fully informed of the Harassment, Sexual Misconduct, & Discrimination Policy and procedures to report, investigate, and resolve a complaint as well as possible sanctions;
  - Know in advance, if possible, of any public release of personal identifiable information;
  - Appeal the outcome and/or sanction(s) in accordance with the process outlined in this Policy;
  - Know that a determination as to whether a violation of this Policy occurred will be based on the preponderance of evidence standard (more likely than not);
  - Be given a copy of these rights when you are notified of the complaint.
For New York State Only

Student Bill of Rights - New York State Education Law Article 129-B

Under New York State law, all Students to have the right to:

a) Make a report to local law enforcement and/or state police;
b) Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
c) Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
d) Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
e) Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services, where available;
f) Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
g) Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
h) Be protected from Retaliation by the institution, any Student, the accused person and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
i) Access to at least one level of appeal of a determination;
j) Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
k) Exercise civil rights and practice of religion without interferences by the investigative, criminal justice, or judicial or conduct process of the institution.
Special Provisions for CIA Employees and Nonemployee Workers in New York State

New York State law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace from sexual harassment in the workplace. Local laws may apply as well. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, visitor, or student.

In addition to being prohibited by this Policy, sexual harassment is against the law, and individuals who engage in harassing behavior may be subject to personal liability in a civil lawsuit.

The CIA is committed to responding quickly and effectively to any internal report of sexual harassment and encourages Employees and Nonemployee Workers to come forward and allow us to pursue an internal investigation of the matter. In addition to the CIA’s internal complaint procedure, an individual may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights

http://www.dhr.state.ny.us/index.html

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the CIA does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.

DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a
complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

**U.S. Equal Employment Opportunity Commission**

[http://www.eeoc.gov/contact](http://www.eeoc.gov/contact)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.