



Harassment, Sexual Misconduct, and Discrimination Policy

POLICY INFORMATION

Policy#: ORG-009

Original Issue Date: 9/30/2014

Current Revision Date: August 1, 2024

RESPONSIBLE OFFICE

Title	Department
Title IX and HSMD Coordinator	Finance
Vice President – Finance and Administration	Finance
Vice President and Dean of Students	Student Affairs

	Policy Type
✓	Organization Policy
	Legal Policy
	Education Policy
	Marketing Policy
	Finance Policy
	Technology Policy
	Compliance Policy
	HR Policy
	Enrollment Policy
	Advancement Policy
	Operations Policy

SCOPE

	Constituency <small>Select all that applies</small>		Campus Locations <small>Select all that applies</small>
X	Staff	X	Hyde Park
X	Faculty	X	California
X	Students	X	San Antonio
X	Contractor	X	Singapore
X	Visitors		

Table of Contents

A.	PURPOSE.....	3
B.	POLICY STATEMENT	3
C.	AUTHORITY.....	6
D.	DEFINITIONS	7
E.	PROCEDURES	15
F.	RESPONSIBILITY	45
G.	RELATED INFORMATION.....	46
H.	POLICY HISTORY	47
I.	APPENDIX	48

NOTE AS TO WHEN THIS POLICY APPLIES:

HSMD and Title IX Investigations pending before August 1, 2024, will proceed under the prior HSMD Policy and procedures [available here at: CIA HSMD Policy \(2020 Title IX Regulations\)](#). In addition, the 2024 DOE regulations do not apply to new reports of Title IX Sex Discrimination or Sex-Based Harassment if the underlying alleged conduct occurred prior to August 1, 2024. In that instance, the prior HSMD Policy and Title IX procedures would also apply.

As of July 11, 2024, two Federal Judges in Texas issued preliminary injunctions blocking enforcement of the Final 2024 Title IX rule while Texas cases proceed through the court system. Until such time as either the injunctions are lifted or the cases reach final determination, HSMD and Title IX reports and investigations that originate in the Texas CIA campus will proceed under the prior HSMD Policy and procedures available here [CIA HSMD Policy \(2020 Title IX Regulations\)](#).

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/gender, pregnancy or related conditions, sexual orientation, gender identity and expression, religion, disability, medical condition, age, genetic information, familial status, marital status, military or 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. Except as otherwise provided below, this Policy applies to conduct off-campus when a person accused of

Prohibited Conduct is a 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 gaining admission through the awarding of a degree, as well as during periods between terms of actual admission, 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, who are not otherwise considered a Complainant under Title IX) 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 (specifically including adopted regulations); 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; The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics 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-A and 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; California State Bill 493; 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 Title IX and HSMD Coordinator (“The Coordinator”), the Deputy Title IX and HSMD Coordinator (“the Deputy Coordinator”), and the Americans with Disabilities Act/Section 504 Coordinator (“the 504 Coordinator”).

The Legal Advisor is designated as the CIA’s Title IX and HSMD 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 Coordinator’s responsibilities include overseeing all complaints of Sexual Misconduct, Harassment and Discrimination on the basis of any protected characteristic and identifying and addressing any patterns or systemic problems. In addition, the CIA has designated a Deputy Title IX and HSMD Coordinator. Inquiries and Complaints concerning these issues may be referred to either:

Joanna Smith, J.D.

Title IX and HSMD Coordinator and Legal Advisor

The Culinary Institute of America

1946 Campus Drive

Hyde Park, NY 12538

Office: Roth Hall Room W401F

Telephone: 845-451-1614

Email: Joanna.Smith@culinary.edu

Or

Danielle Glendenning, Assistant Director—Faculty Relations

Deputy Title IX and HSMD Coordinator

The Culinary Institute of America

1946 Campus Drive

Hyde Park, NY 12538

Office: Roth Hall, Room S324

Telephone: 845-905-4369

E-mail: Danielle.Glendenning@culinary.edu

The Dean of Academic Engagement & Administration is designated as the CIA Section 504 Coordinator, The Section 504 Coordinator 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**

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

Any complaints related to protected characteristics as defined in this policy may also be directed to the Office of Civil Rights (“OCR”).

**U.S. Department of Education
Office for Civil Rights**

Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 1-800-421-3481
FAX: 202-453-6012; TDD: 1-877-521-2172
Email: OCR@ed.gov

C. AUTHORITY

President and the President’s Cabinet
Age Discrimination Act of 1975
California Education Code, Section 67836
California State Bill 493 – Education: Sex Equity
California Fair Employment and Housing Act
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- A and 129-B
New York State Human Rights Law
New York State Labor Law
Rehabilitation Act of 1973, Section 504
Texas Education Code, Chapter 51
Texas Labor Code, Chapter 21
Violence Against Women Reauthorization Act (VAWA) amendments to the Clery Act

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, Texas, and Singapore): 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 Fraternalization Policy, which can be found on the Student and Employee/Faculty portals.

Appeals Officer: An officer appointed by the CIA's Title IX and HSMD 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. For incidents and/or parties which occur or reside at the CIA's Singapore campus, the Singapore calendar shall apply.

CIA Community: The Employees (faculty and staff), 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 (Non-Title IX): Any Employee (Faculty or Staff), Non-employee Worker, Student, or Third Party who is an alleged victim files a formal report or statement alleging conduct that is prohibited by this Policy.

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

- a) A Student or Employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- b) A person other than a Student or Employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the CIA's education program or activity at the time of the alleged sex discrimination.

Complaint: An oral or written request to the CIA that objectively can be understood as a request for the CIA to investigate and make a determination about alleged discrimination under Title IX.

Confidential Employee: (1) an employee of the CIA whose communications are privileged or confidential under Federal or State law. The employee's confidential status (with regards to this Policy) is only with respect to information received while the employee is functioning

within the scope of their duties to which privilege or confidentiality applies; (2) An employee of the CIA who has been designated as confidential under the Title IX regulations for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or (3) An employee of a postsecondary institution who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

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 such factors as 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 (including racist or prejudiced comments) 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.

Education Program or Activity: For purposes of determining whether conduct is within the definition of Sexual Discrimination or Sex-Based Harassment Prohibited by Title IX (as defined by the Department of Education), "education program or activity" includes conduct that occurs:

- On-campus or under the control of the CIA or conduct that is otherwise subject to the CIA's disciplinary authority
- Within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the CIA's programs and activities.
- Academic, extracurricular, research, occupational training, or other education program or activity operated by the CIA

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 subjects an individual to inferior terms, conditions or privileges of education or employment. Harassing conduct rises above the level of what a reasonable person with the same protected characteristic would consider petty slights or trivial inconveniences. 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.

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 & HSMD 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).

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

Parental Status: Solely as used in this Policy, means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) A biological parent; (2) An adoptive parent; (3) A foster parent; (4) A stepparent; (5) A legal custodian or guardian; (6) In loco parentis with respect to such a person; or (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Party: A Complainant or Respondent.

Peer Retaliation: Retaliation by a student against another student.

Pregnancy or Related Conditions: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or

related medical conditions.

Prohibited Conduct: Any or all of the following (see also 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, Sex Discrimination, Sex-Based Harassment Prohibited by Title IX, Sexual Violence, and Stalking.

Relevant: All evidence that is related to an allegation of Prohibited Conduct under investigation under this Policy and will aid the decisionmaker in determining whether the alleged Prohibited Conduct occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred.

Remedies: Measures provided, as appropriate, to a complainant or any other person the CIA identifies as having had their equal access to the CIA's education program or activity limited or denied by discrimination, on the basis of any protected characteristic. These measures are provided to restore or preserve that person's access to the CIA's education program or activity after the CIA determines that discrimination occurred.

Reporter: An individual who makes a statement including one or more allegations of Prohibited Conduct under this Policy to a Non-Confidential Employee. A Reporter may be the alleged victim (Complainant) or someone else.

Respondent (Title IX): A person who is alleged to have violated the CIA's prohibition on sex discrimination (Title IX).

Respondent (Non-Title IX): Any CIA Student, Employee (faculty member or staff) or Nonemployee Worker who has a Complaint filed against them; a person accused of Prohibited Conduct.

Responsible Employee: CIA Employees working in the following departments or roles are considered Responsible Employees: Campus Safety, Deans, Directors, Faculty, Human Resources, Managers/Supervisors, Residential Life, Student Affairs, and Academic Advisors. Responsible Employees are required to report any allegation of Prohibited Conduct, regardless of the wishes of the Reporter or alleged victim. *See further explanation [here](#).*

Retaliation: An intentional action, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or proceeding, including informal resolutions, in Grievance Procedures, and any other actions taken by the CIA under this Policy, or that otherwise is attempting to interfere with an individuals' rights or privileges under this Policy. Retaliatory action can include, but is not limited to:

- Discharge;
- Demotion;
- Reduction of pay or hours;
- Withholding wages, overtime pay, or promotions;

- Denying benefits or opportunities;
- Not hiring or rehiring the person; and/or
- Intimidating, threatening, coercing, harassing, discriminating against or otherwise mistreating the individual.

Sex-based Harassment (Title IX): A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) that is:

- 1) Quid Pro Quo Harassment:** an employee, agent, or other person authorized by the CIA to provide an aid, benefit, or service under the CIA's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- 2) Hostile Environment Harassment:** unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the CIA's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the CIA's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the CIA's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred; and
 - (v) Other sex-based harassment in the CIA's education program or activity; or
- 3) Specific offenses:** Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this Policy.

Sex Discrimination (Title IX): Discrimination on the basis of sex under Title IX includes Sex-based Harassment and discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

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

- 1) 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, such as forcible touching, kissing, and fondling.
- 2) 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 audiotaping 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 (California Only): Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual Harassment Prohibited by State and other Federal Laws (Non-Title IX):

Unwelcome, verbal or physical conduct that is based on sex/gender or is of a sexual nature and that subjects an individual to inferior terms, conditions or privileges of education or employment. Harassing conduct rises above the level of what a reasonable person of the same sex/gender would consider petty slights or trivial inconveniences. Sexual Harassment includes conduct that interferes with a student's ability to participate in or benefit from the CIA's educational programs or activities and conduct that unreasonably interferes with a person's work performance or creates an intimidating, hostile or offensive work

environment. 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;
- Sexist comments or jokes; 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, Sex-Based Harassment (Title IX), 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 also* 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 admitted in a credit or degree program at the CIA.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- (a) Restore or preserve that party's access to the CIA's education program or activity, including measures that are designed to protect the safety of the parties or the CIA's educational environment; or
- (b) Provide support during the CIA's grievance procedures or informal resolution process under this Policy.

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 (faculty or staff), Nonemployee Worker, or Student as defined in this Policy¹.

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 can be found at:

https://www.ciachef.edu/uploadedFiles/Pages/CIA_Policies/local-vawa-crime-definitions.pdf

E. PROCEDURES

1. 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.

2. Reporting

a. Reporting Guidelines and Requirements

Any member of the CIA Community who believes they have been subjected to Prohibited Conduct in violation of this Policy should use one of reporting channels as outlined below to disclose their concerns and/or seek assistance from on-campus and/or off-campus resources. The Title IX and HSMD 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.

Individuals are encouraged to carefully review all reporting options before deciding whether and to whom to disclose.

b. Reporting Options

¹ A visiting minor, who is not otherwise considered a Complainant under Title IX, 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.

Any Third Party who wishes to file a Complaint for violations of this Policy may contact the Title IX and HSMD Coordinator or 504 Coordinator as appropriate.

For members of the CIA community, 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.**

i. 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.

ii. 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://cm.maxient.com/reportingform.php?CulinaryInstofAmerica&layout_id=40; or
- Public option: Go to <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.

iii. In Person

A variety of personnel are available for in-person reporting. See this link for SART information: https://www.ciachef.edu/uploadedFiles/Pages/CIA_Policies/sart-resource-contacts.pdf

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

c. Reporting Response and Expectations

Upon being notified of an allegation of Prohibited Conduct, The Coordinator or their designee will reach out to the Reporter and any identified potential Complainant(s).

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 pursuant to this Policy;
- 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; and
- 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 or shared in whole or in part where the school is legally required or authorized to do so.

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/>.

d. Supportive Measures

Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or a Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that party's access to the CIA's education program or activity, including measures that are designed to protect the safety of the Parties or the CIA's educational environment; or
- Provide support during the Grievance Procedures and/or the informal resolution process

Supportive Measures are available to all Parties. Potential Complainants who report allegations that could constitute Prohibited Conduct are entitled to receive Supportive Measures from the CIA regardless of whether they choose to file a Complaint. These supportive measures may include, as appropriate, but are not limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus
- training and education programs

Supportive Measures may be terminated at the end of the Grievance Procedures, or the CIA may continue them beyond that point.

Request for Review and Challenge: Student Complainants and Respondents may request review and modification of any supportive measure(s) that directly impact them, including review of the need for and terms of the measure(s), by submitting a request in writing to the Title IX and HSMD 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. An impartial employee who is someone other than the employee who made the challenged decision will review the submissions and make a determination.

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; and/or revisiting policies and practices.

e. Removal of Respondent from Campus

i. Emergency Removal of Student-Respondent

The CIA may remove a student-respondent from the CIA's program or activity on an emergency basis, where the CIA determines, after an individualized safety and risk analysis, that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal.

If the CIA determines such removal is necessary, the respondent will be provided notice and an opportunity to request review and challenge of the decision immediately following the removal, as set forth in the Appeal Process [here](#).

ii. Administrative Leave

The CIA may place a non-student employee respondent on administrative leave with or without pay during the Grievance Process, subject to the terms and conditions of any applicable Collective Bargaining Agreement.

3. Employee Types and Required Responses

Every employee (faculty and staff) of the CIA is categorized as either a Confidential Employee or a Non-confidential Employee. The type of employee determines how someone is expected to respond to a notification or disclosure of Prohibited Conduct.

a. Confidential Employee vs. Non-Confidential Employee

It is important to know that some employees are Confidential Employees – 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 employees are not confidential.

b. Confidential Employees – Does Not Constitute Notice to the CIA

If a student desires that an allegation, concern, interaction or report be discussed on an entirely private and confidential basis, they may speak with one of the following Confidential Employees, 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: Vice President - Strategic Initiatives & Branch Campuses (located on the Hyde Park campus)²

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.**

Upon disclosure of possible sex discrimination, Confidential Employees must share 1) that they are confidential and are not required to notify The Coordinator about conduct that may constitute sex discrimination, 2) how to contact The Coordinator and how to make a complaint of sex discrimination, 3) that The Coordinator may be able to offer and coordinate supportive measures, as well as initiate informal resolution process or an investigation under the grievance procedures. Confidential Employees are strongly encouraged to follow these same steps for all other reports of Prohibited Conduct.

Confidential Employees will put the individual in touch with the appropriate Coordinator upon request.

In cases of disclosures of Prohibited Conduct made to Confidential Employees, 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 Pursuant to Texas Educ. Code Section 51.290, which requires that a post-secondary institution designate at least one employee as a person to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking. The Vice President – Strategic Initiatives & Branch Campuses is only designated as a Confidential Employee for the Texas Campus and solely for the purpose of this law.

c. Non-Confidential Employees – Constitutes Notice to the CIA

There are 2 types of non-Confidential Employees at the CIA. The nature of someone's position at the CIA determines which type of non-confidential employees they are and how they are required to respond to learning of allegations of Prohibited Conduct.

Responsible Employees

Any employee who is not a Confidential Employee and who either (a) has the authority to institute corrective measures on behalf of the CIA or (b) has responsibility for administrative leadership, teaching, or advising in the CIA's education program or activity is required to notify The Coordinator when they have information about conduct that reasonably may constitute Prohibited Conduct under this Policy. These employees must report allegations of Prohibited Conduct, regardless of the wishes of the Reporter or alleged victim.

Such positions include Cabinet Members, Campus Safety, Deans (all levels), Directors (all levels), Faculty, Human Resources, Managers/Supervisors, Residential Life, Student Affairs, and Academic Advisors.

Responsible Employees who become aware of an incident of Prohibited Conduct and fail to report it to the Title IX Coordinator will be subject to disciplinary action.

All Other Non-Confidential Employees

All other non-Confidential Employees at the CIA, upon learning of allegations of Prohibited Conduct are required to either:

- (a) Notify The Coordinator of the alleged Prohibited Conduct, or
- (b) Provide the contact information of The Coordinator and information about how to make a complaint of Prohibited Conduct to any person who provides the employee with information about allegations of Prohibited Conduct.

Student Workers

Someone whose primary role with the school is as a student but is also employed by the CIA is considered a Student Worker. When a Student Worker is serving in their employee role, upon learning of alleged Prohibited Conduct, they are required to:

- (a) Notify The Coordinator of the alleged Prohibited Conduct, and/or
- (b) Provide the contact information of The Coordinator and information about how to make a complaint of sex discrimination to any person who provides the student worker with information about Prohibited Conduct.

Note: All employees, regardless of their role or designation as Confidential or non-Confidential, upon learning of a student's Pregnancy or Related Conditions, must promptly:

- (1) Provide that person with the Title IX Coordinator's contact information, and
- (2) Inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the CIA's education program or activity.

For more specific information concerning Pregnancy and Related Conditions, and the CIA's responsibilities related to the same under this Policy available [here](#).

4. Available Resources

There are a number of resources available to CIA students and employees – confidential and non-confidential, as well as on-campus and off-campus. A full list of these resources can be found in the Appendix [here](#).

5. 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 or state police. A list of local law enforcement agencies and their contact information can be found in the Appendix [here](#).

6. Parental, Family, or Marital Status; Pregnancy and Related Conditions (Title IX)

a. Students

The CIA does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions.

i. Notice

When a student or a person who has a legal right to act on behalf of the student, informs *any* employee of the student's pregnancy or related conditions, unless the employee reasonably believes that The Coordinator has been notified, the employee must provide the student, or the person who has a legal right to act on behalf of the student, with The Coordinator's contact information. The employee must further inform that person that The Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the CIA's education program or activity.

ii. Specific Actions to Prevent Discrimination and Ensure Equal Access

The CIA will take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the CIA's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies The Coordinator of the student's pregnancy or related conditions. The Coordinator must coordinate these actions.

(1) Responsibility to Provide Information About CIA Obligations Under Title IX

The student, and if applicable, the person who notified The Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, must be notified of the CIA's obligations under Title IX and provide them with the Notice of Nondiscrimination.

(2) Reasonable Modifications

The CIA shall make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the CIA's education program or activity. Each reasonable modification must be based on the student's individualized needs.

In determining what modifications are required, The Coordinator or their designee must consult with the student. A modification that would demonstrably fundamentally alter the nature of the CIA's education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the CIA. If a student accepts an offered reasonable modification, the CIA must implement it.

Reasonable modifications may include, but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

(3) Voluntary Access to Separate and Comparable Portion of Program or Activity

The CIA shall allow the student to voluntarily access any separate and comparable portion of the CIA's education program or activity.

(4) Voluntary Leaves of Absence

A student shall be allowed to voluntarily take a leave of absence from the CIA's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the CIA that allows a greater period of time than the medically necessary period, the CIA shall permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the CIA's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

(5) Lactation Space

The CIA will ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

iii. Limitation on Supporting Documentation

The CIA shall not require supporting documentation for (a) Reasonable Modifications, (b)

Voluntary Access to Separate and Comparable Portion of Program or Activity; (c) Voluntary leaves of absence; or (d) Lactation Spaces, unless the documentation is necessary and reasonable for the CIA to determine the reasonable modifications to make or whether to take additional specific actions.

Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the CIA with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

iv. Comparable Treatment to Other Temporary Medical Conditions

The CIA must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the CIA administers, operates, offers, or participates in with respect to students admitted to the CIA's education program or activity.

v. Certification to Participate

A student who is pregnant or has related conditions is not required to provide certification from a healthcare provider or any other person that the student is physically able to participate in the CIA's class, program, or extracurricular activity unless: (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; (ii) The CIA requires such certification of all students participating in the class, program, or extracurricular activity; and (iii) The information obtained is not used as a basis for discrimination towards a student who is pregnant or has related conditions.

b. Employees (Faculty and Staff)

The CIA shall not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

The CIA shall not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

i. Comparable Treatment to Other Temporary Medical Conditions

The CIA shall treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave;

payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

ii. Voluntary Leaves of Absence

In the case of an employee with insufficient leave or accrued employment time to qualify for leave under the CIA's leave policy, the CIA shall treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

iii. Lactation Time and Space

(1) The CIA shall provide reasonable break time for an employee to express breast milk or breastfeed as needed.

(2) The CIA shall ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

iv. Pre-employment Inquiries

Marital Status

The CIA shall not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

Sex

The CIA may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX or its regulations.

7. Grievance Procedures

In April of 2024, the United States Department of Education (DOE) published new regulations governing Title IX. These regulations which went into effect on August 1, 2024 mandate that the CIA adopt a specific definition of Title IX Sex Discrimination and Sex-Based Harassment and a grievance process with respect to such conduct. The HSMD Policy both incorporates Title IX and other Federal and state laws prohibiting not only Sex Discrimination and Sex-Based Harassment but also all Discrimination and Harassment based on any protected characteristic. Accordingly, conduct that does not meet the definitions of Sex Discrimination or Sex-Based Harassment as prohibited by Title IX may still violate this Policy.

Each Procedural Step below will indicate if it applies to Title IX allegations, Non-Title IX allegations or both.

a. Review of Report (Title IX and Non-Title IX)

When The Coordinator receives a report alleging Prohibited Conduct, first, they will determine

if the report satisfies the requirements of being a Complaint (see definition [here](#)). To be considered a Complaint, the report must be objectively understood to be a request for the CIA to investigate and make a determination about the alleged Prohibited Conduct. A Complaint can be made orally or in writing. If there is any ambiguity as to whether a report is intended to be a Complaint, The Coordinator may seek clarification from the reporter.

i. Intake (Title IX and Non-Title IX)

After receiving a report, The Coordinator will reach out to the reporter and/or the potential Complainant and offer to schedule an intake meeting. During the intake meeting, The Coordinator will go over the report for the purpose of: (a) gaining any additional information needed to determine jurisdiction; (b) to review the applicable procedural steps should the individual wish to proceed with a Complaint; (c) their rights; and/or (d) to review possible available Supportive Measures.

ii. Review of the Complaint for Jurisdiction (Title IX and Non-Title IX)

The Coordinator's evaluation of the Complaint will take five (5) Business Days from receipt of the Complaint. Once they determine they have a Complaint, The Coordinator will determine whether it contains either or both of the following: (a) alleged conduct that meets the required elements of Title IX Jurisdiction; and/or (b) alleged conduct that meets the required elements of any of the non-Title IX Prohibited Conduct.

iii. Assessing Title IX Jurisdiction

When first reviewing a Complaint, The Coordinator will determine if the alleged conduct meets the substantive or jurisdictional definitions of Sex Discrimination or Sex Based Harassment prohibited by Title IX. If it does, then it will be investigated and adjudicated under the procedures listed below including all steps indicated for us in a Title IX case. If a determination is made at any stage of the process that the alleged conduct does not meet the substantive or jurisdictional definitions of Sex Discrimination or Sex-Based Harassment prohibited by Title IX, the Complaint will be dismissed from Title IX applicable procedures but may be investigated under the applicable procedures outlined below in this Policy for non-Title IX Prohibited Conduct. In cases where allegations involving the same parties may constitute Sex-Based Harassment or Sex Discrimination as prohibited by Title IX and other types of Prohibited Conduct under the HSMD Policy, the CIA, at its discretion, may investigate and/or adjudicate those matters together under the Title IX applicable procedures or separately with the non-Title IX applicable procedures.

Title IX Applies if the following elements are met:

- The conduct is alleged to have occurred in the United States, or, for the purposes of allegations of sex-based Hostile Environment where part of the alleged conduct or the effects of the alleged conduct occur in the United States;
- The conduct, at least in part, is alleged to have occurred in the CIA's education program or activity, or is conduct subject to the CIA's disciplinary authority;
- The report is made by a person or persons who would constitute a Complainant; and
- If proven, the alleged conduct would constitute Sex Discrimination and/or Sex-Based

Harassment as defined by the Department of Education and prohibited by Title IX

If all of these elements are met in the Complaint, the CIA will investigate the allegations in accordance with the procedural steps applicable to Title IX. If at any point after a Notice of Investigation has been issued, it is determined that all of these elements are not met, then a Notice of Dismissal from the Title IX part of the procedure must be issued by The Coordinator.

If a Complaint is dismissed from the Title IX procedure, The Coordinator may refer the Complaint to be addressed under the non-Title IX applicable procedural steps, which are listed below in the Policy.

iv. Assessing Non-Title IX Jurisdiction

The Non-Title IX procedural steps apply if the following elements are met:

- Title IX jurisdiction does not apply;
- The alleged conduct, if proven, would constitute Prohibited Conduct; and
- The report is made by a person or persons who would constitute a Complainant.

v. Discretionary Dismissal (Title IX and Non-Title IX)

The Coordinator may dismiss a Complaint or any allegations, Title IX or non-Title IX, at any time if:

- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, in writing, The Coordinator declines to initiate a Complaint and the CIA determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct under the Policy;
- The Respondent is not participating in the CIA's education program or activity and/or is not employed by the CIA;
- The CIA is unable to identify the respondent after taking reasonable steps to do so;
- The CIA determines that the conduct alleged in the Complaint, if proven, would not constitute Prohibited Conduct under this Policy; or
- The institution determines in its discretion that it will be unable to gather evidence sufficient to reach a determination due to specific circumstances outside the control of the parties or the CIA.

Prior to a Notice of Investigation being issued, the Complainant will be notified of the dismissal and the basis for the same. They will have an opportunity to appeal a dismissal determination in accordance with the procedure listed under the Appeals procedure [below](#).

After the Notice of Investigation has been issued, each party will be notified of the dismissal and the basis for the same. Each party will have an opportunity to appeal a dismissal determination in accordance with the procedure listed under the Appeals procedure [below](#).

vi. When a CIA Policy or Practice is Alleged to be Discriminatory

When a Complaint alleges that a CIA Policy or practice discriminates on the basis of a protected characteristic, the CIA is not considered a Respondent and the requirements related to a

Respondent do not apply to the CIA.

b. Requests by Complainant(s) to Not Investigate Prohibited Conduct (Title IX and Non-Title IX)

When weighing a Complainant's request not to disclose their identity or that no investigation or disciplinary action be pursued, The Coordinator will consider a range of factors and follow the guidelines laid out in the Appendix [here](#).

c. Process Free from Bias or Conflicts of Interest (Title IX and Non-Title IX)

All parties have the right to have a fair and impartial investigation, determination, and appeal. At any time during the investigation and adjudication process, if either party has any reason to believe that the Investigator, The Coordinator, the 504 Coordinator, or any of the Appeals Officers have 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 Appeals Officer, submit it to The Coordinator, the Deputy Coordinator or the 504 Coordinator;
- Regarding The Coordinator, submit it to the Deputy Coordinator or the 504 Coordinator; and
- Regarding the 504 Coordinator, submit it to The Coordinator or the Deputy 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, if possible, before the allegedly conflicted person renders a determination, for example, prior to the submission of the investigative report, the determination, or the appeal decision.

d. Informal Process (Title IX and Non-Title IX)

At any time prior to final determination of whether Prohibited Conduct has occurred, an informal resolution process may be available. The CIA offers a mediated resolution option for parties, in which The Coordinator will appoint a mediator, who will suggest a resolution to the parties, which they may accept or reject. The CIA reserves the right to determine that informal resolution is not appropriate in any given circumstance.

The CIA will not compel any party to engage in mediation or require the parties to have direct contact with one another. Participation in the informal resolution procedure is voluntary, and either party can request to discontinue the informal resolution process at any time. Once a resolution is mutually agreed upon, the Complaint will be deemed resolved. ***For California CIA Community Members, mediation, even on a voluntary basis, is not allowed for allegations of Sexual Violence that do not come under Title IX.***

The Coordinator will maintain records of all reports and conduct referred for informal

resolution. Records relating to informal resolutions may also be placed in the personnel files of employee complainants and respondents. Statements made by either party during the course of the informal resolution process are considered confidential and inadmissible in any investigation or hearing, regardless of the outcome of the informal resolution process.

Before the initiation of an informal process, The Coordinator will provide notice of the following:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the applicable grievance procedure;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the CIA will maintain and whether and how the CIA could disclose such information for use in grievance procedures if grievance procedures are initiated or resumed.

Prior to beginning the informal resolution process , the parties must voluntarily provide written consent to participate, acknowledging that: (1) once a resolution is agreed upon, the parties will be precluded from resuming a Complaint arising from the same allegations, absent exceptional circumstances; (2) at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the applicable grievance process; and (3) any consequences resulting from participating in the informal resolution process, including that the records will be maintained or could be shared.

The mediator will not be the same person as the investigator and/or decision maker should the parties resume the grievance procedure. Any mediator assigned by the CIA must not have a conflict of interest or bias and must receive appropriate training. Should a party believe the mediator to have a conflict of interest or bias, they should contact the appropriate party in accordance with the Conflict of Interest section [above](#).

e. Prohibition on Retaliation (Title IX and Non-Title IX)

Retaliation, including Peer Retaliation, against any individual for filing a Complaint and/or for assisting, testifying, or participating in the investigation of a Complaint is 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.

f. Privacy Rule (Title IX and Non-Title IX)

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

The CIA will take reasonable steps to protect the privacy of the parties and witnesses during the Grievance Procedures, provided that those steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Grievance Procedures.

The CIA will not disclose personally identifiable information obtained in the Grievance Procedure except in the following circumstances:

- When the CIA has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of Title IX, and other applicable laws, including action taken to address conduct that reasonably may constitute Prohibited Conduct in the CIA's education program or activity;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- To the extent such disclosures are not otherwise in conflict with Title IX, its regulations, when required by State or local law, or when permitted under FERPA, 20 U.S.C. 1232g or its implementing regulations, 34 CFR part 99.

g. Grievance Procedure (Title IX and Non-Title IX)

i. Complainant (Non-Title IX)

At the time of filing a Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the CIA, including as an employee.

ii. Complainant (Title IX only)

In order to be a Complainant under Title IX, the individual making the Complaint must be either: (1) a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX and its related regulations; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX and its related regulations and who was participating or attempting to participate in the CIA's education program or activity at the time the alleged conduct took place.

iii. Complaint (Title IX and Non-Title IX)

For the purposes of this policy, to file a Complaint means an individual made an oral or written request to the CIA that objectively can be understood as a request for the CIA to investigate and

make a determination about the alleged Prohibited Conduct.

The Complainant, where possible, should share the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged discrimination, including the date and location of such incident(s). A Complainant should not delay making a Complaint solely because such information is unknown or unavailable. The Coordinator may determine a Complaint is necessary even if the Complainant chooses not to file a Complaint, in which case the CIA will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued pursuant to these procedures. The factors considered when determining whether The Coordinator will file a Complaint without the cooperation of the Complainant may be found in the Appendix [here](#).

iv. Consolidation of Complaints

The Coordinator or designee may consolidate multiple cases and/or incidents to resolve as a single case through the formal resolution process when the cases arise out of the same set of facts and circumstances, including situations where:

- There are allegations from multiple Complainants against the same Respondent;
- There are allegations from the same Complainant against multiple Respondents that arise out of the same set of facts and circumstances;
- The Respondent has filed a complaint against the Complainant.

v. Assignment of an Investigator (Title IX and Non-Title IX)

The Coordinator will assign an Investigator or Investigative Team. The Investigator will direct the investigative process and confer with The Coordinator as appropriate. The Investigator will be an individual who has received training on topics including but not limited to: Investigative procedures, Title IX regulations, impartiality, and issues of relevance. The investigation will be prompt, thorough, and impartial.

vi. Notice of Allegations (Title IX and Non-Title IX)

The Coordinator will draft and provide the Notice of Allegations to the Complainant(s) and Respondent(s) as soon as practicable after receiving a Complaint, and no later than 5 business days, absent reasonable extension for a good cause. The notifications will be sent to the parties' CIA email accounts if they are students or employees or by other reasonable means if they are neither students nor employees or do not have access to their CIA email. If the CIA has reasonable concerns for the safety of any person as a result of providing the Notice of Allegations, the CIA may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

The CIA will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

vii. Contents of Notice (Title IX and Non-Title IX)

The Notice of Allegations will include the following:

- Notice of the CIA's Grievance Procedures and a hyperlink to a copy of the process.
- Notice of any applicable informal resolution process.
- Sufficient information, available at the time the Notice is issued, to allow parties to respond to the allegations, such as: (a) the identities of the parties involved in the incident(s), if known, including the complainant; (b) the conduct alleged to be Prohibited Conduct; and (c) the date(s) and location(s) of the alleged incident(s), if known.
- If, in the course of an investigation, the CIA decides to investigate additional allegations of Prohibited Conduct by the Respondent toward the Complainant that are not included in the original written notice, the CIA shall provide written notice of the additional allegations to the Parties whose identities are known.
- A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of the Grievance Procedures and that prior to this determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker.
- A statement that the Parties may have an advisor of their choice subject to the guidelines stated in this Policy.
 - **For Title IX Only:** the advisor may be, but is not required to be, an attorney.
- A statement that the CIA prohibits knowingly making false statements or knowingly submitting false information during the Grievance Procedures.
- A statement that retaliation is prohibited.
- **For Title IX Only:** A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If a description of the evidence is provided, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon request.
- **For CA Only:** where Complainants have allegations of Sexual Harassment (CA Definition), a statement that Student parties have the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so. An attorney may serve as a support person or adviser pursuant to clause.

viii. Updated Notice (Title IX and Non-Title IX)

In some instances, additional allegations may arise during the course of the investigation that were not known at the time the Notice of Allegations was issued. In the event that occurs, the CIA may elect to add those allegations to the existing investigation. If so, the CIA will notify the parties of the additional allegations using their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

ix. Meetings with Parties Post Issuance of the Notice of Allegations (Title IX and Non-Title IX)

At the time the Notice is provided to the parties, The Coordinator will offer to schedule an initial meeting with the Respondent to provide them with: (a) information about the process; (b) their rights; and (c) Supportive Measures that may be available.

If The Coordinator was unable to meet with the Complainant(s) for intake or the Complainant(s) wishes to have a follow up meeting, The Coordinator will also offer to meet with the Complainant(s) to provide them with: (a) information about the process; (b) their rights; and (c) Supportive Measures that may be available.

At any time, any party can request a meeting with The Coordinator to discuss: (a) Supportive Measures; (b) the process; (c) their rights; and/or (d) any concerns they may have.

x. Advisors of Choice (Title IX and Non-Title IX)

Who Can Be an Advisor?

Non-Title IX

The Parties may be accompanied during any meeting or proceeding by a single advisor of their choice. The advisor may be an attorney only in cases involving allegations of Sexual Violence. In all other non-Title IX cases that do not involve allegations of Sexual Violence, Employees (faculty and staff) are limited to advisors from the CIA Community.

Title IX

The Parties may each be accompanied during any meeting or interview by a single advisor of their choice. The advisor may be, but is not required to be, an attorney.

What is the Role of the Advisor (Title IX and Non-Title IX)

Advisors may speak privately to their advisee during any such meeting or proceeding but may not present evidence, witnesses, or otherwise participate in the interview or meeting. A party may request a brief recess to consult with their advisor, which may be granted at the discretion of the Investigator or Appeals Officer conducting the meeting or interview. An advisor who is disruptive and fails to comply with the participation boundaries may be removed from any meeting or interview and may be barred from future meetings or interviews in the matter.

Provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules, the CIA will engage in best efforts to accommodate the Advisors' schedules. The determination of what is reasonable shall be made by The Coordinator or their designee. The CIA will not be obligated to delay a meeting or interview under this process more than five (5) days due to the unavailability of an Advisor of Choice and may offer the party the opportunity to obtain a different Advisor of Choice.

xi. Investigation

The investigation portion of the process will take up to sixty (60) Business Days from the day

the Notice of Allegations is sent to the Parties. Investigation and adjudication of a Complaint is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for institutions to comply with their obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegations. Each party will have an equal opportunity to propose witnesses (including expert witnesses where appropriate), and provide other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below. The burden is on the CIA to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The Investigator will take the following steps:

- Thoroughly review the Complaint and all supporting documentation and evidence.
- Interview both the Complainant(s) and the Respondent(s).
- Give each Party 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.)
- **(For Title IX Only)** Give each Party the opportunity to propose questions for the other party(ies) and known or suggested witnesses
- The Investigator will contact witnesses who may have relevant information and engage in good faith efforts to meet with the witnesses. If a witness is not responsive, not cooperative, or does not wish to participate, the Investigator will not unreasonably delay the investigation.
- The Investigator has the discretion to identify and interview witnesses who were not identified by any party.
- The Investigator has the discretion not to interview a suggested witness where none of the information the party indicates that the witness can share would be relevant in the Investigator's judgment.
- Exclude from consideration information about the romantic or sexual history or sexual interests of either the Complainant or the Respondent, except as to prove that someone other than the respondent committed the conduct alleged by the complainant or with respect to the parties' shared sexual history when offered to prove consent. If either party offers such information, the other will have the right to respond.
- Exclude from consideration medical records and information, including mental health history or treatment, absent a waiver from the individual who is the subject of the medical record.
- Exclude from consideration information protected under a legally recognized privilege such as the attorney-client privilege unless the person holding such privilege has waived the privilege.

xii. Interviews (Title IX and Non-Title IX)

(1) Notice of Meetings and Interviews (Title IX and Non-Title IX)

The CIA will provide written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a Party in which they are expected to attend, with sufficient time for the Party to prepare to participate. If a meeting or interview is intended

to be recorded, the participants will be notified in advance with enough time to address any questions or concerns about the recording.

(2) Recording

Title IX

Audio or Audio Visual Recordings are only permitted to be done by The Coordinator, the Investigator, or the Appeals Officer during meetings, interviews and/or proceedings, unless circumstances require such accommodations. The decision to permit an accommodation will be made by The Coordinator as appropriate. Parties will be provided with a transcript of interviews and/or proceedings for their review pursuant to the procedural steps outlined below. All impermissible and/or not otherwise allowable information will be redacted before the transcript is provided.

If a Party or witness does not consent to being recorded, they must notify the Investigator or The Coordinator as soon as possible. The recording of the interview or meeting will cease until an agreed upon solution is determined.

Non-Title IX

Should a meeting, interview or proceeding be recorded, Audio or Audio Visual Recordings are only permitted to be done by The Coordinator, the Investigator, or the Appeals Officer, unless circumstances require such accommodations. The decision to permit an accommodation will be made by The Coordinator as appropriate.

(3) Initial Interviews with Parties (Title IX and Non-Title IX)

During the initial interview with each Party, the Investigator will: (a) review the Complaint and each known allegation; (b) give each Party the opportunity to identify witnesses and provide relevant documentary and physical evidence; and (c) **(for Title IX only)** give each Party the opportunity to propose questions for the other party(ies) and known or suggested witnesses.

(Title IX Only) The Investigator will determine whether a proposed question by a Party is relevant and not otherwise impermissible, prior to the question being posed. They will explain any decision to exclude a question as not relevant or otherwise impermissible. If the Investigator determines that a Party's question is relevant and not otherwise impermissible, they must ask that question, except that they will not permit questions that are unclear or harassing of the party or witness being questioned. The Investigator shall give the party who proposed the question an opportunity to clarify or revise a question that the Investigator has determined is unclear or harassing, and if the Party sufficiently clarifies or revises a question, the question shall be asked.

(a) Refusal to Answer Questions (Title IX and Non-Title IX)

An Investigator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed to be relevant and not impermissible. However, the Investigator will not draw an inference about whether the Prohibited Conduct occurred

based *solely* on a Party's or witness's refusal to respond to such a question.

(b) Behavioral Guidelines (Title IX and Non-Title IX)

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.

(4) Subsequent Interviews with Parties and Witnesses (Title IX and Non-Title IX)

The Investigator will, where necessary and/or appropriate, meet with each Party and witness for follow-up interview(s). The Investigator will use the follow-up interviews to (a) clarify any outstanding inconsistencies or blank spots; (b) **(for Title IX Only)** ask relevant and not otherwise impermissible questions proposed by the Party(ies); and (c) provide each of the Parties with an additional opportunity(ies) to supplement their past statements.

xiii. Review of Preliminary Investigative Report and Materials (Title IX Only)

Once the initial investigation has concluded, the Investigator, in conjunction with The Coordinator or their designee, within ten (10) Business Days, shall gather all evidence that is relevant to the allegations. Unless otherwise prohibited by law, The Coordinator or designee shall make electronic copies of the evidence available to the Parties and their advisors (if any). The evidence will be accompanied by a preliminary investigative report which summarizes the investigation. Given the private and confidential nature of the materials and proceeding, the Parties and their advisors (if any) will be required to sign a non-disclosure agreement ("NDA") not to disseminate any of the evidence subject to inspection and review and not to use the evidence for any purpose other than the Grievance Procedure or other purpose explicitly allowed by law and/or the Title IX regulations. Any violation of the non-disclosure agreement may result in additional misconduct charges against a Party, a report to an attorney's professional licensing board, or other legal action. Once The Coordinator has received the signed NDA, the Parties may then review the information gathered.

If a Party or their advisor does not wish to sign the NDA, The Coordinator will schedule a time with them for the purpose of their physical review of the preliminary investigation report and investigative materials. During the physical review, The Coordinator or their designee will be present at all times and no photos, copies or notes may be taken of the report or the materials.

xiv. Response to the Preliminary Investigative Report and Materials (Title IX Only)

Each Party will have an opportunity to respond in writing to this information within ten [10] business days of their receipt or physical review of the report and its related investigative materials.

A Party's Response may include, but is not limited to, the following:

- Proposal of questions for the other Party(ies) and/or witnesses; these can include questions that challenge credibility but may not be on impermissible topics. The Investigator will determine which questions are relevant and permissible. The Investigator will provide a reason for each question proposed that they decline to use
- Corrections to any information contained within the report and/or materials that they feel is inaccurate
- An impact statement
- A statement regarding their response to the allegations, and/or the information shared in the preliminary report and materials

Responses will be included in the Final Report as an exhibit. All irrelevant and/or otherwise impermissible information will be redacted.

xv. Follow Up Post Preliminary Report and Materials Review (Title IX Only)

After the Parties' time to respond to the preliminary investigation report and materials has passed. The Investigator will, as necessary, meet with each Party and/or witness to:

- clarify any outstanding inconsistencies or blank spots; and
- ask relevant and not otherwise impermissible questions proposed by the Party(ies) during their review.

If at any stage following the submission of the parties' responses new evidence directly related to the allegations is gathered, it will be shared with the parties and their advisors in line with the parameters set forth above. The parties will have an opportunity to submit an additional written response within a time frame determined by The Coordinator or designee. The parties may request to review the other party's written response statements once they have been submitted, but they will not be permitted to submit any further written response.

xvi. Final Investigation Report and Determination

(1) Determination Regarding Responsibility (Non-Title IX and Non-Title IX)

(a) Standard of Proof (Non-Title IX and Title IX)

The CIA uses the preponderance of the evidence standard. This means that the Decision Maker assesses whether it is more likely than not that a violation of the Policy occurred.

(b) General Considerations for Evaluating Testimony and Evidence (Non-Title IX and Title IX)

Determinations regarding responsibility may be based in part, or entirely, on statements made by the Parties and witnesses, documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness's credibility based on

the party or witness's status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their statements, the consistency of their statements, and its reliability in light of corroborating or conflicting statements or evidence.

The weight given to any evidence will not vary based upon whether it is inculpatory or exculpatory (i.e. tending to prove or disprove the allegations).

A witness's statement(s) regarding indirect knowledge of the facts at issue will be considered but will generally be accorded less weight than statements regarding direct knowledge of specific facts that occurred.

Where a party or witness's conduct or statements demonstrate that the party or witness has a bias or conflict of interest for or against one or more of the Parties and/or witnesses, the Decision Maker may draw inferences from that as to that party or witness's credibility.

(2) Final Investigation Report with Determination (Non-Title IX)

At the conclusion of the Investigation, the Investigator will issue a formal report detailing the results of the investigation and recommended corrective action, if any, for consideration by The Coordinator or 504 Coordinator as appropriate.

The formal report, and any additional supporting documentation, is to be shared with The 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.

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 Coordinator or 504 Coordinator, as appropriate, for review and consideration.

Within fifteen (15) Business Days of receipt of the final report, The 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 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.

(3) Final Investigation Report with Determination (Title IX)

Within ten Business days of receiving the Parties' Responses, the Investigator will complete the final investigative report, which will compile all relevant evidence, the Parties' Responses, and the Investigator's analysis of the same and submit it to The Coordinator. The report will include the following: (a) a summary of allegations; (b) a timeline of the investigation; (c) a summary of all interviews and evidence collected; (d) an analysis of whether there is sufficient evidence to show a violation of the Policy; (e) a determination; (f) the proposed sanctions (if applicable); and (g) instructions on how to appeal the determination.

The final investigative report will be redacted for information that is irrelevant, privileged or otherwise impermissible.

Unless otherwise prohibited by law, The Coordinator or designee shall make electronic copies of the Final Report available to the parties and their advisors (if any) if a signed NDA has been received. If there is no NDA on file, The Coordinator will arrange for a physical review of the Final Report. During the physical review, The Coordinator or their designee will be present at all times and no photos, copies or notes may be taken in connection with the report or the materials.

A written determination will be issued simultaneously to all parties through their institutional email account, or other reasonable means as necessary. Absent reasonable extension for good cause, the Final Investigation Report and Determination will be issued by The Coordinator or their designee within five (5) business days of The Coordinator receiving the Final Report from the Investigator. The Determination will also include the procedures and permitted grounds for the complainant and respondent to appeal (described below in "Appeal").

The Final Report and Determination will include:

- A recitation of the allegations potentially constituting Prohibited Conduct;
- A description of the procedural steps taken, in the form of a Timeline, from the receipt of the Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which section of this policy, if any, the Respondent has or has not violated;
- For each allegation:
 - A statement of, and rationale for, a determination regarding responsibility; and
 - A statement of, and rationale for, any disciplinary sanctions being imposed on the Respondent; and
 - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the CIA's education program or activity will be provided to the Complainant.

- Where applicable, and to the extent appropriate, other students identified by the CIA to be experiencing the effects of the Sex-Based Harassment.

xvii. Impact Statements

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) Business Days of receiving notification that the parties have accepted the findings and prior to a sanctions determination being made.

xviii. When Parties Decline to Participate

(1) Title IX

If any Party 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 about the Party's decision not to participate in the investigation. If the Complainant chooses to withdraw the Complaint prior to the completion of the investigation, The Coordinator or designee will determine whether to continue to pursue the Complaint considering the factors outlined in the Appendix here.

(2) Non-Title IX

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 about the 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.

xix. Appeals (Non-Title IX and Title IX)

If a Party does not accept the decision of the Investigator, 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 Investigation Determination Notice.

Appeals are not intended to be full re-investigations or the basis for a new investigation of the Complaint. The Appeals Officer may accept or modify the original Determination. All Appeals shall be heard by an Appeals Officer, except that in New York State, a Student Appeal involving allegations of Sexual Violence shall be heard by an Appeals Panel. The Appeal Officer/Panel's decision to deny a requested outcome on appeal is final.

The ONLY grounds for Appeals are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination

- regarding responsibility or dismissal that could have affected the outcome of the matter;
or
- The Coordinator, Investigator(s), or other Decisionmaker had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

Any party who files an Appeal must do so in writing to The Coordinator. The request for an Appeal will then be forwarded to an appointed Appeals Officer or Panel for review. The Appeals Officer or Panel shall be a person or persons not previously involved in the process. 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 Assault, Domestic Violence, Dating Violence or Stalking 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 or Panel determines that a procedural error occurred, they may return the original Complaint to the Investigator with instructions to reconvene to remedy the error. The results of a reconvened Investigation cannot be appealed.

In rare cases, where the error cannot be remedied by the original Investigator (as in cases of bias), the Appeals Officer may order a new Investigation with a new Investigator appointed by The Coordinator as appropriate. The results of a new Investigation with a new Investigator can be appealed once on the grounds for appeal listed above.

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

Within twenty-one (21) Business Days of a party's rejection of the investigative findings, the Appeal will be conducted. This time period may be reasonably extended for good cause. The Appeal does not include a review of any interim protective measures or proposed sanctions. The Appeal Officer or Panel will be charged only with considering the Investigator's findings in light of the applicable Basis for Appeal.

Except in cases of Sexual Violence, the Appeals Officer or Panel will meet with each party separately, and the parties will not be present at any meeting that the Appeals Officer or Panel 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 Teams or telephone) when the Appeals Officer or Panel 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. In cases where an Appeal Panel is used, all three members do not need to be present for each of the interviews and/or meetings, but they must share notes with each other and all three must review all of the evidence prior to making a determination.

Through the Appeals process, the parties will be provided:

- The opportunity to meet with the Appeals Officer or members of the Appeals Panel 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. The rules for who can be an advisor in an Investigation also apply to Appeals;
- The opportunity to identify witnesses to the Appeals Officer or Panel who can speak about the alleged conduct at issue; and
- The opportunity to raise issues and/or questions for the Appeals Officer or Panel to consider and/or to review with the Investigators, the Complainant, or other witnesses.
- The opportunity to present an impact statement.

The Appeals Officer/Panel will provide a final report to The Coordinator as appropriate, within ten (10) Business Days of the close of the Appeal process. This final report shall include specific findings of fact and a determination whether the Respondent(s) violated this Policy.

If it is determined that the Respondent violated this policy, The Coordinator shall refer the matter to the appropriate office (depending upon the status of the party), which will determine sanctions in consultation with The Coordinator as appropriate.

All parties will be notified in writing of the Final Determination of the Appeals Officer/Panel within five (5) Business Days of The Coordinator's receipt of the Appeal report. 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 Title IX or Sexual Violence, the Complainant will be informed of all sanctions imposed upon the Respondent.

The Appeals Determination Notice will be delivered to the parties simultaneously via their institutional email account or other reasonable means. **(For Title IX Only)** A copy of the Appeals Officer/Panel's decision and rationale will be attached if the Parties have signed an NDA. If they have not, The Coordinator will arrange for a physical review of the decision and rationale.

In cases of Title IX, Sexual Assault, Domestic Violence, Dating Violence or Stalking, if neither party submits a written appeal within five (5) Business Days of receipt of the Investigator's decisions, The Coordinator, as appropriate, will provide the parties with written notification that the Investigator'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.

xx. Time Frame

(1) Reasonable Extensions

The above time frames may be reasonably extended for good cause. If it is a Party who wishes to request a reasonable extension of time, they must submit their request in writing and provide the good cause basis for said extension.

Whether or not the time frame will be extended will be determined on a case-by-case basis by The Coordinator or their designee and will involve a review of relevant factors, including but not limited to:

- The length of the extension needed or requested
- Whether this extension will create an inequality between the Parties
- Can this extension be applied equally to all Parties
- Is this extension needed as an accommodation
- Will this extension unnecessarily delay the process
- Will this extension allow a Party or Parties to more fully participate in the process
- Are there extenuating circumstances that necessitate the extension of the time frame

Should The Coordinator implement an extension to any of the time frames above, they will provide notice to all Parties of the extension and the reason for the delay.

h. Sanctions

i. Decision Makers

If both parties accept the findings or the Grievance Procedures has been exhausted 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 HSMD Coordinator, or 504 Coordinator, if appropriate. The following offices shall be responsible for determining and/or imposing disciplinary sanctions:

For Students

- Hyde Park: Associate Dean – Residence Life and Student Conduct
- Greystone: Assistant Dean – Student Affairs, Greystone
- San Antonio: Managing Director, San Antonio
- Singapore: Managing Director, Singapore

For Faculty – Academic School Dean or Branch Campus Associate Dean

For Academic Administrators – Vice President – Academic Affairs

For All Other Employees – Department Head in consultation with Human Resources

Nothing herein shall prevent The Coordinator from consulting with the relevant decision maker regarding possible sanctions in any matter involving Prohibited Conduct.

Nonemployee Workers who are found responsible for violating the Policy will not be permitted to continue to provide services at the CIA. Nothing in this or any other CIA Policy is meant to imply an employer-employee relationship exists between the CIA and Nonemployee Workers.

In cases of Sexual Violence or Title IX Sex-Based harassment or sex discrimination, the Complainant will be informed of all sanctions imposed upon the Respondent.

ii. Possible Sanctions

Employees (Faculty and Staff)

When an investigation finds that an Employee (Faculty or Staff) did not violate this Policy, but did violate another CIA policy, the matter will be referred to the appropriate Decision Maker, as outlined above, for adjudication.

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, appropriate CIA Faculty Handbook, their various addenda, and/or any applicable Collective Bargaining Agreement. 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.

Non-Employee 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.

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, a range of sanctions may apply. 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.

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

- **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.
- **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.
- **Community Restitution:** Work assignments for a specified number of hours may be given to provide a useful service to the college or local community.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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: "Demerits" of the [Student Code of Conduct](#).
- **Expulsion:** Permanent separation of the Student from the CIA. Note: prior to June 1, 2016, disciplinary "Dismissal" is equivalent to "Expulsion."
- **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.

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

iii. Transcript Notations

(1) New York State

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.

(2) Texas State

If a student is ineligible to reenroll at the CIA for a reason other than an academic or financial reason, the CIA shall include on the student's transcript a notation stating that the student is ineligible to reenroll in the institution for a reason other than an academic or financial reason.

Students shall have the right to request that the notation be removed in the event the student is later deemed eligible to reenroll at the CIA or where other similar good cause exists to remove the notation.

F. RESPONSIBILITY

Vice President – Academic Affairs

Vice President – Finance and Administration

Vice President and Dean, Student Affairs

G. RELATED INFORMATION

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 and related Addenda

The CIA Faculty Handbook and related Addenda

The CIA Fraternalization Policy

The CIA Protection of Minors Policy

The CIA Student Code of Conduct

The CIA Transcript Notation Policy

The CIA Whistleblower Policy

H. POLICY HISTORY

The Policy History section of the College policy will include the President’s approval date, as well as revision and review history. This information is completed after receiving the President’s approval and prior to publishing the approved policy.

Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed:

10/23/2018; 9/26/2019

Policy Advisory Committee (PAG) Approval to Proceed: 7/12/2019; 9/12/2019
(nonsubstantive revisions); 9/26/19 (Texas update) 9/3/20 (Federal TIX regulation update);
7/25/2024 (Federal TIX regulation update)

Cabinet Approval to Proceed, Date

Policy Revision Dates: 11/3/2015; 11/15/2016; 6/18/2018. Previous Addendum: 10/8/15;
6/9/2016; 9/23/2016. Further revised: 9/12/2019 (minor changes not requiring Cabinet
approval); 9/29/20 (Federal Title IX Update); 11/10/20 (Federal Title IX Update); 1/28/22
(minor change not requiring Cabinet approval). 7/29/2024 (Federal Title IX Update)

Scheduled Review Date:

I. APPENDIX

1. 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. SART Advisors use a survivor-centered approach by providing the Complainant with key information and letting them make decisions based on what feels comfortable.

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.

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.

From Any Campus
Title IX Coordinator

The Culinary Institute of America, pursuant to Title IX, Title VII, and state laws prohibits sexual harassment, which includes sexual assault and sexual violence. Reporting to the Title IX Coordinator or Deputy Coordinator does not require the CIA to conduct an investigation. While confidentiality cannot be guaranteed, your privacy will be protected to the extent possible.

Joanna Smith
 Title IX and HSMD Coordinator and Legal Advisor
 The Culinary Institute of America
 1946 Campus Drive Hyde Park, NY 12538
 Office: Roth Hall Room W401F Telephone: 845-451-1614
 Email: Joanna.Smith@culinary.edu

Danielle Glendenning – Assistant Director, Faculty Relations
 Title IX and HSMD Deputy Coordinator
 The Culinary Institute of America
 1946 Campus Drive Hyde Park, NY 12538
 Office: Roth Hall Room S324 Telephone: 845-905-4369
 Email: Danielle.Glendenning@culinary.edu

The following employees make up the SART advisors at each branch campus:

NEW YORK CAMPUS	
Title	SART Role
Director, Counseling & Psychological Services	Provide confidential resources to victims in Title IX cases. Able to confidentially give students options for reporting to campus authorities, local law enforcement, as well as community resources for medical and emotional support. Speaking with a counselor does not constitute a formal report to the CIA.

Counselor, Therapist	Provide confidential resources to victims in Title IX cases. Able to confidentially give students options for reporting to campus authorities, local law enforcement, as well as community resources for medical and emotional support. Speaking with a counselor does not constitute a formal report to the CIA.
Area Coordinator, Lodges and Townhouses	On-call Residence Life staff who would be most likely to receive an initial report of a Title IX incident. Disclosing an incident to a Residence Life staff member requires them to report the information to the Title IX Coordinator.
Residence Director, Dargan-Rovetti Hall	On-call Residence Life staff who would be most likely to receive an initial report of a Title IX incident. Disclosing an incident to a Residence Life staff member requires them to report the information to the Title IX Coordinator.
Residence Director, Metz Hall	On-call Residence Life staff who would be most likely to receive an initial report of a Title IX incident. Disclosing an incident to a Residence Life staff member requires them to report the information to the Title IX Coordinator.
Residence Director, Rosenthal Hall	On-call Residence Life staff who would be most likely to receive an initial report of a Title IX incident. Disclosing an incident to a Residence Life staff member requires them to report the information to the Title IX Coordinator.
Residence Director, Angell Hall	On-call Residence Life staff who would be most likely to receive an initial report of a Title IX incident. Disclosing an incident to a Residence Life staff member requires them to report the information to the Title IX Coordinator.

*Aside from Confidential Employees, all SART members are mandated to report any Title IX complaints to the Title IX Coordinator in Hyde Park, NY.

CALIFORNIA CAMPUS	
Title	SART Role
Assistant Director, Counseling	Provide confidential resources to victims in Title IX cases. Able to confidentially give students options for reporting to campus authorities, local law enforcement, as well as community resources for medical and emotional support. Speaking with a counselor does not constitute a formal report to the CIA.
Counselor, Therapist	Provide confidential resources to victims in Title IX cases. Able to confidentially give students options for reporting to campus authorities, local law enforcement, as well as community resources for medical and emotional support. Speaking with a counselor does not constitute a formal report to the CIA.
Assistant Dean, Student Affairs	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. Disclosing an incident to a CIA official requires them to report the information to the Title IX Coordinator.

Residence Life and Housing Coordinator	On-call Residence Life staff who would be most likely to receive an initial report of a Title IX incident. Disclosing an incident to a Residence Life staff member requires them to report the information to the Title IX Coordinator.
Assistant Director- Student Life	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. Disclosing an incident to a CIA official requires them to report the information to the Title IX Coordinator.

*Aside from Confidential Employees, all SART members are mandated to report any Title IX complaints to the Title IX Coordinator in Hyde Park, NY.

TEXAS CAMPUS	
Title	SART Role
Associate Dean, Degree Programs	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. Disclosing an incident to a CIA official requires them to report the information to the Title IX Coordinator.
Manager, Academic & Career Advisement and Support	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. Disclosing an incident to a CIA official requires them to report the information to the Title IX Coordinator.
Manager, Student Services	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. Disclosing an incident to a CIA official requires them to report the information to the Title IX Coordinator.

*Aside from Confidential Employees, all SART members are mandated to report any Title IX complaints to the Title IX Coordinator in Hyde Park, NY.

SINGAPORE CAMPUS	
Title	SART Role
Managing Director	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. Disclosing an incident to a CIA official requires them to report the information to the Title IX Coordinator.

*Aside from Confidential Employees, all SART members are mandated to report any Title IX complaints to the Title IX Coordinator in Hyde Park, NY.

2. On-Campus and Off-Campus Resources

Immediate Resources

If the campus and local resources below do not provide the information you need, please visit rainn.org to speak to a counselor or find a rape crisis center near you. **Please note that in an emergency situation, such as a student at risk of harm to self or others, you should report directly to Campus Safety/Security or 911.**

You can reach your local RAINN Affiliate at any time by calling the National Sexual Assault Hotline at 1.800.656.HOPE (4673)

NEW YORK CAMPUS

On Campus (Confidential)	On Campus	Off Campus (Confidential)	Off Campus
CIA Counseling and Psychological Services (CAPS) Student Commons, Room 218 (M-F: 8:30 a.m.-5 p.m.) 845-905-4241	Campus Safety (24 hours) Rear of Roth Hall – 50’s style diner 845-451-1268	Family Services - Center for Victim Safety and Support 29 North Hamilton Street, Poughkeepsie, NY 12601 845-452-1110, ext. 3400 Provides advocacy, forensic nursing services, and counseling. All services are free and accessible. familyservicesny.org	Dutchess County Sheriff 150 North Hamilton Street, Poughkeepsie, NY 12601 845-486-3800
	Student Affairs Student Commons, Room 236 (M-F: 8:30 a.m.-5 p.m.) 845-451-1316	Rape Crisis and Crime Victims Hotline 845-452-7272 (24 hours) Domestic Violence Hotline 845-485-5550 (24 hours)	Hyde Park Police 3 Cardinal Road, Hyde Park, NY 12538 845-229-9340
	<u>Title IX Office</u> (M-F: 8:30 a.m.-5 p.m.) Title IX and HSMD Coordinator Roth Hall W401F 845-451-1614 Deputy Title IX and HSMD Coordinator Roth Hall S324 845-905-4369	Planned Parenthood of the Mid-Hudson Valley 17 Noxon St, Poughkeepsie, NY 12601 1-800-230-PLAN (7526), or 845-562-7800 Provide GYN exams, emergency contraception, pregnancy testing, HIV and STD testing.	New York State Police 5696 Route 9, Rhinebeck, NY 12572 845-677-7300 845-677-6321
	Student Health Services Roth Hall, Lower Level (7 a.m.-7 p.m.) 845-451-1261	Mid-Hudson Regional Hospital of Westchester Medical Center 241 North Road, Poughkeepsie, NY 12601 845-483-5000 https://www.midhudsonregional.org	New York State Hotline for Sexual Assault and Domestic Violence 1-800-942-6906

		Vassar Brothers Medical Center 45 Reade Place, Poughkeepsie, NY 12601 845-454-8500 https://www.nuvancehealth.org/locations/vassar-brothers-medical-center	Emergency Services 911
--	--	--	---------------------------

CALIFORNIA CAMPUS

On Campus (Confidential)	On Campus	Off Campus (Confidential)	Off Campus
	Campus Security – First Security (Greystone) (24 hours) The Atrium Cell: 707-548-2478, or Desk: 707-548-2317	Napa County Rape Crisis Hotline 707-258-8000, or 866-289-8888	<u>Title IX Office</u> (M-F: 8:30 a.m.-5 p.m.) Title IX and HSMD Coordinator Roth Hall W401F 845-451-1614 Deputy Title IX and HSMD Coordinator Roth Hall S324 845-905-4369
	Campus Security – First Security (Copia) (24 hours) Cell: 707-974-0069, or Desk: 707-974-2588	Napa Emergency Women's Services (NEWS) (24 hours) 1141 Pear Tree Lane, Suite 220, Napa, CA 94558 707-252-3687 Hotline: 707-255-NEWS (6397) (24 hours) Outside Napa County: 800-799-7233 www.napanews.org	St. Helena Police Department (9 a.m. – 4 p.m.) 1088 College Ave., St. Helena, CA 94574 707-967-2850
	Student Affairs 3 rd Floor (M-F: 8:30 a.m.-5 p.m.) Assistant Dean, Student Affairs 707-967-2486	Napa County Victim Services Division 1127 First Street, Suite C, Napa, CA 94559 (M-F: 8 a.m.-5 p.m.) 707-299-1414 https://www.countyofnapa.org/1152/Victim-Services-Division	Napa Police Department 1539 First Street, Napa, CA 94559 707-257-9223
	Campus Services 1 st Floor, Administrative Offices (M-F: 8:30 a.m.-5 p.m.) 707-967-2313	Adventist Health St. Helena 10 Woodland Road, St. Helena, CA 94574 707-963-3611 (Main Line) 707-963-6425 (Emergency Room) https://adventisthealth.org/system/locations/adventist-health-st-helena/	Napa County Sheriff's Department 1535 Airport Boulevard, Napa, CA 94559 707-253-4509

		Queen of the Valley Medical Center 1000 Trancas Street, Napa, CA 94558 707-252-4411 https://www.thequeen.org	Emergency Services 911
--	--	--	---------------------------

SAN ANTONIO CAMPUS

On Campus (Confidential)	On Campus	Off Campus (Confidential)	Off Campus
	Pearl Security 210-889-5287	Rape Crisis Center 4606 Centerview, Suite 200, San Antonio, TX 78228 (M-F: 8 a.m.-5 p.m.) Office: 210-521-7273 Hotline: 210-349-7273 (24 hours) http://rapecrisis.com/	<u>Title IX Office</u> (M-F: 8:30 a.m.-5 p.m. ET) Title IX and HSMD Coordinator Roth Hall W401F 845-451-1614 Deputy Title IX and HSMD Coordinator Roth Hall S324 845-905-4369
	Associate Dean, Degree Programs (M-F: 8:30 a.m.-5 p.m.) 210-554-6402	Methodist Hospital Specialty and Transplant 8026 Floyd Curl Drive, San Antonio, TX 78229 210-575-8110 (Main) 210-575-1590 (Forensic Nursing Services) https://sahealth.com/specialties/emergency-care?location=methodist-hospital-specialty-and-transplant	San Antonio Police Department 210-207-7273
	Manager, Student Services (M-F: 8:30 a.m.-5 p.m.) 210-554-6451	Vice President - Strategic Initiatives & Branch Campuses (Hyde Park campus) (M-F: 8:30 a.m.-5 p.m. ET) 845-451-1471	Bexar County Sherriff's Department 200 N. Comal Street, San Antonio, TX 78207 210-335-6000
		Texas Association Against Sexual Assault 7700 Chevy Chase Dr, Suite 230, Austin, TX 78752 512-474-7190 https://taasa.org/ https://taasa.org/crisis-center-locator/	Emergency Services 911

SINGAPORE

On Campus (Confidential)	On Campus	Off Campus (Confidential)	Off Campus
	Eve Felder	Hospital or Counselor	<u>Title IX Office</u> (M-F: 8:30 a.m.-5 p.m.) Title IX and HSMD Coordinator Roth Hall W401F 1-845-451-1614 Deputy Title IX and HSMD Coordinator Roth Hall S324 1-845-905-4369
			Law Enforcement

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

New York and California

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.

Texas

The CIA will not take disciplinary action against a student enrolled at the CIA who in good faith reports to the CIA being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the CIA's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident of sexual harassment, sexual assault, dating violence, or stalking, if any.

This does not apply to students who report their own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

4. Sexual Misconduct Cases

Bill of Rights in Cases of Sexual Misconduct

For all campuses, the following rights will be afforded:

a. 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;
- 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 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 be contained in any publicly 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 you 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.

b. 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 Sexual Misconduct;
- 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 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, and Discrimination Policy including procedures for reporting, investigation, and resolution of 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.

c. 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:

- Make a report to local law enforcement and/or state police;
- Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
- 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;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services, where available;

- 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;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- 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;
- Access to at least one level of appeal of a determination;
- 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
- Exercise civil rights and practice of religion without interferences by the investigative, criminal justice, or judicial or conduct process of the institution.

5. 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).

6. When The Coordinator May Initiate a Complaint

In the absence of a Complaint, or where any and/or all of the allegations have been withdrawn, The Coordinator will make a fact-specific determination as to whether they will initiate a Complaint under Title IX, Non-Title IX procedural steps or both. In making this determination, The Coordinator will consider several factors including, but not limited to:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether the harassment or discrimination, if established, would require the removal of a Respondent from campus or the imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the CIA;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct or Prohibited Conduct alleged to have impacted multiple individuals;
- The availability of Evidence to assist a Decisionmaker in determining whether Prohibited Conduct has occurred; and

- Whether the CIA could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Grievance Procedures.

If after reviewing these, and other relevant factors, The Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the CIA from ensuring equal access on the basis of any protected characteristic to its education program or activity, The Coordinator may initiate a Complaint.

If The Coordinator initiates a Complaint, they will notify the person(s) who would be Complainant prior to doing so and appropriately address reasonable concerns about their safety or the safety of others, including by providing Supportive Measures.

Regardless of whether a Complaint is initiated or not, The Coordinator will take other appropriate and effective steps, in addition to the steps necessary to effectuate the remedies provided to an individual Complainant or potential Complainant, if any, to ensure that Prohibited Conduct does not continue or recur within the CIA's education program or activity.

7. Requests by Student-Complainants Not to Investigate or Take Disciplinary Action in Cases of Sexual Misconduct

The CIA has an obligation to provide a safe, non-discriminatory environment for all members of the CIA community. Responsible Employees must report incidents of Sexual Violence of which they become aware to The 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 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 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 Misconduct 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; and
- The seriousness of the conduct.

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.

8. Special Provisions for CIA Employees and Non-employee Workers in New York State Pursuant to the New York State Human Rights Law

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

<https://dhr.ny.gov/contact-us>

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.

9. U.S. Equal Employment Opportunity Commission

<https://www.eeoc.gov/contact-eeoc>

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 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.