



THE WORLD'S PREMIER  
CULINARY COLLEGE

## Hyde Park Campus

# Sexual Assault Bill of Rights

Statement of Rights for Victims of Sexual Violence

**You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from the Culinary Institute of America.**



## **VICTIM STATEMENT OF RIGHTS**

For all students and employees who report an incident of sexual violence – covering sexual assault, domestic violence, dating violence and stalking.

Victims are entitled to specific rights whether they pursue a formal complaint or not. Additionally, written notice of these rights must be provided to a student or employee when they report their victimization. Institutions must afford any student or employee who reports that they have been the victim of an incident of sexual violence, either on or off campus, with the following information and rights:

As a complainant 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 Institution's legal obligation to investigate, remedy and address sexual misconduct on campus. Additionally, the College will make all reasonable efforts to ensure the preservation of privacy, restricting information to those with a legitimate need to know;
- An investigation and appropriate resolution of all credible complaints of sexual misconduct;
- Be treated with dignity and respect throughout the process;
- Receive information regarding how to access available resources such as counseling, advocates, support, mental health and medical treatment on and off campus;
- Report the incident through the process outlined in the CIA's Harassment, Sexual Misconduct, & Discrimination Policy and/or the off campus law enforcement system without unnecessarily having to repeat the description of the incident to more individuals as practicable;
- Choose to contact off-campus law enforcement and/or have campus safety assist you in contacting law enforcement;
- Refuse all of these options without reproach from any CIA official with the understanding that such refusal may impact an investigation and action by the CIA;
- A prompt and thorough investigation of the complaint;
- Be accompanied by an advisor of your choice through the investigation and/or appeal process (students only);
- An outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- Be notified, in writing, of the investigation outcome, including the outcome to any appeal and any sanctions that apply, if deceased, this may be provided to next of kin;
- Be fully informed of the Harassment, Sexual Misconduct, & Discrimination Policy and procedures to report, investigate, and resolve a complaint as well as possible sanctions;
- The same support opportunities available to the accused throughout the investigation;
- Receive timely information regarding the status and outcome of the investigation/hearing;
- Options to change/modify your academic or work schedule or on-campus living situation if such changes are reasonably available and appropriate under the circumstances. These changes can happen regardless of a formal complaint, investigation, campus or criminal charges. These changes will respect the complainant's confidentiality to the extent possible and may include:
  - Moving from one on-campus residence to another on-campus residence;
  - Rescheduling of an exam, paper, or assignment;
  - Taking an incomplete in a class;
  - Administratively withdrawing (AW) from a class;
  - Transferring to a different class section;
  - Taking a temporary leave from the CIA;
  - Adjusted work schedule;
- Understand that you are not responsible for crime(s) committed against you;
- NOT have mediation offered to you as the sole means of addressing or resolving your complaint;
- Protective measures such as, but not limited to: a "no contact order" (NCO) issued from the college and to be notified if the accused is prohibited from contacting you or entering your residence hall with the ability to obtain a copy of the NCO and reviewing it with a CIA official to fully understand the consequences if a violation of the NCO takes place, assistance by the

## VICTIM STATEMENT OF RIGHTS CONTINUED

CIA in obtaining an "order of protection" (OOP) from a criminal or family court, assistance from the CIA to enforce a NCO or OOP including, but not limited to arrest by local law enforcement, interim suspension, or additional conduct charges, assistance from the CIA in issuing "no trespass" letters to off-campus individuals;

- 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 the Harassment, Sexual Misconduct, & Discrimination Policy;
- Know that a violation of the Harassment, Sexual Misconduct, & Discrimination Policy will be based on preponderance of evidence (more likely than not);
- NOT have any personally identifiable information released to the public without your consent. No personally identifiable information will be contained in any publically available reports or disclosures required pursuant to the Clery Act including, but not limited to the daily crime log;
- NOT experience retaliation for reporting the incident;
- Disclose, if the accused is an employee of the CIA, the incident to the CIA's human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority;
- 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

## IMMEDIATE STEPS TO TAKE IF YOU ARE A VICTIM OF SEXUAL ASSAULT

**Call the Crime Victim/Rape Crisis Hotline** at 845.452.7272. They will ensure that a trained advocate is available to assist you at the hospital and will work directly with the hospital staff to enlist the services of a Sexual Assault Forensic Examiner (SAFE) Nurse. The nurse can provide pregnancy tests and preventative treatment for some sexually transmitted infections (STI) free of charge. **Inform the nurse if you suspect being drugged.**

**Vassar Brothers Medical Center**  
45 Reade Place, Poughkeepsie  
(845) 454-8500

**Mid-Hudson Regional Hospital**  
241 North Road, Poughkeepsie  
(845) 483-5000

**Preserve Evidence.** Preserve evidence of the sexual assault – do **not** bathe, shower, douche, eat, drink, or brush your teeth. If possible, try not to eliminate any waste. Any of these behaviors can wash away evidence. Any clothing, if not still being worn, and any bedding or fabric should be preserved and not laundered. These items may contain forensic evidence and be useful if you decide to report the crime to law enforcement. Put them in a paper bag, not plastic.

**Pack a change of clothes;** you may need to leave what you're wearing at the hospital.

**Call Campus Safety and a trusted friend.** Safety can drive you to the hospital and your friend can be there for support.

**Make an official report to the CIA**

Campus Safety (Safety Building) (845) 451-1268

Student Affairs (Student Commons) (845) 451-1316

Title IX Coordinator (Roth Hall S-324) (845) 451-1314 **\*Emergency access to Title IX Coordinator available by contacting Campus Safety**

**Consider filing a police report.** To file a police report contact the **Dutchess County Sheriff's Department** directly at (845) 486-3800, the **New York State Police** at (845) 677-6321, OR **Campus Safety** can assist you in contacting them.

Know that it is your right to have an advocate present while being interviewed by police. **Advocates** are available through the **Rape Crisis Hotline:** (845) 452-7272

## **For Students Only - New York State Education Law 129-B**

In 2015 New York State passed the above legislation, commonly referred to as the "Enough is Enough" law, which requires students attending school in the state to be informed of the following rights, and institutional responsibilities.

### Students' Bill of Rights

#### **Section 6443** – All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. 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
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. 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;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

#### **Section 6444** – Response to reports:

1. Every institution shall ensure that reporting individuals are advised of their right to:
  - a. Notify university police or campus security, local law enforcement, and/or state police;
  - b. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. Such official shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options;
  - c. Disclose confidentially the incident to institution representatives, who may offer confidentially pursuant to applicable laws and can assist in obtaining services for reporting individuals;
  - d. Disclose confidentially the incident and obtain services from the state or local government;
  - e. Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
  - f. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports shall be investigated in accordance with institution policy and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy;
  - g. Disclose, if the accused is an employee of the institution, the incident to the institution's human resources authority or the right to request that a confidential or private employee assist in reporting to appropriate human resources authority;

- h. Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court; and
  - i. Withdraw a complaint or involvement from the institution process at any time.
2. "You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.
3. Every institution shall ensure that individuals are provided the following protections and accommodations:
- a. When the accused or respondent is a student, to have the institution issue a "no contact order" consistent with the institution policies and procedures, whereby intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institutional policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual;
  - b. To be assisted by the institution's police or security forces, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order;
  - c. To receive a copy of the order of protection or equivalent when received by an institution and have an opportunity to meet or speak with an institution representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons;
  - d. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
  - e. To receive assistance from university police or campus security in effecting an arrest when an individual violates an order of protection or, if university police or campus security does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such an order, provided that nothing in this article shall limit current law enforcement jurisdiction and procedures;
  - f. When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process consistent with this article and the institution's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request;
  - g. When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and procedures of the institution;
  - h. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with the institution's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit in support of his or her request.

4. Every institution shall ensure that every student be afforded the following rights:
  - a. The right to request that student conduct charges be filed against the accused in proceedings governed by this article and the procedures established by the institution's rules.
  - b. The right to a process in all student judicial or conduct cases, where a student is accused of sexual assault, domestic violence, dating violence, stalking or sexual activity that may otherwise violate the institution's code of conduct, that includes at a minimum: (i) notice to a respondent describing the date, time, location and factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions; (ii) an opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, where appropriate, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least five years from such a hearing and may include a transcript, recording or other appropriate record; and (iii) access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a respondent and reporting individual in such cases shall receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a reporting individual must be similarly provided to a respondent and any rights provided to a respondent must be similarly provided to a reporting individual.
  - c. Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the right:
    - i. For the respondent, accused, and reporting individual to be accompanied by an advisor of choice who may assist and advise reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. Rules for participation of such advisor shall be established in the code of conduct.
    - ii. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the institution's policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
    - iii. To an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.
    - iv. To have the institution's judicial or conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.
    - v. To review and present available evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the conduct case, consistent with the institution policies and procedures.
    - vi. To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
    - vii. To receive written or electronic notice, provided in advance pursuant to the college or university policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a

written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.

- viii. To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
  - ix. To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.
  - x. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.
  - xi. To choose whether to disclose or discuss the outcome of a conduct or judicial process.
  - xii. To have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel make a final determination unless otherwise required by law.
5. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.
6. The CIA shall, to the extent practicable, enter into memoranda of understanding, agreements or collaborative partnerships with existing community-based organizations, including rape-crisis centers and domestic violence shelters and assistance organizations, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, which may also include resources and services for the respondent.
7. Institutions shall, to the extent practicable, ensure that students have access to a sexual assault forensic examination by employing the use of a sexual assault nurse examiner in their campus health center or entering into memoranda of understanding or agreements with at least one local health care facility to provide such a service.
8. Nothing in this article shall be deemed to diminish the rights of any member of the institution's community under any applicable collective bargaining agreement.

## **Important Information**

### **EMERGENCY HELP**

To ensure your safety, get immediate medical assistance, or to report a crime that has just happened, please call:

#### **On CAMPUS**

Campus Safety (24 hours)

**(845) 451-1268**

#### **Off CAMPUS**

**Crime Victims/Rape Crisis Hotline (24 hours)**

**(845) 452-7272**

Will send an advocate to meet you at the hospital and help with crisis intervention.

**For Domestic Violence Services:**

**(845) 485-5550**

Crisis intervention and individual counseling for victims and their children, emergency transportation, and advocacy – helping victims obtain needed services.

**Dutchess County Sheriff's Department**

**(845) 486-3800**

**New York State Police**

**(845) 677-6321**

Or **911** for emergency

#### **Other Numbers**

**Family Services, Inc.**

**(845) 452-1110**

**CIA Counseling & Psychological Services (CAPS)**

**(845) 905-4241**

**CIA Student Health Services**

**(845) 451-1261**

**CIA Student Affairs**

**(845) 451-1316**

**Title IX Coordinator**

**(845) 451-1314**

**Section 504/ADA Coordinator**

**(845) 451-1615**

The Culinary Institute of America (CIA) is an Equal Opportunity Employer committed to the principle of equal opportunity in education and employment, in compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI and Title VII of the Civil Rights Act of 1964, Age Discrimination Act of 1975, and other federal, state, and local laws.

The CIA does not discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, marital status, veteran status, ancestry, national or ethnic origin, or any other protected group or classification under federal or state laws. These principles also apply to admissions, financial aid, academic matters, career services, counseling, housing, employment policies, scholarship programs, medical services, and all other programs and activities available at the CIA.

The Culinary Institute of America, pursuant to Title IX, Title VII, and state laws also prohibits sexual harassment, which includes sexual assault and sexual violence.

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.