



# Student Complaint Policy

## POLICY INFORMATION

**Policy#:**

Original Issue Date: 11/20/2014

Current Revision Date: 11/1/2022

## RESPONSIBLE OFFICE

Title	Department
Provost	Education

	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 Select all that applies			Campus Locations Select all that applies
✓	Staff		✓	Hyde Park
✓	Faculty		✓	California
✓	Students		✓	San Antonio
	Contractor		✓	Singapore
	Visitors			

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## **A. PURPOSE**

The purpose of The Culinary Institute of America's (the CIA's) Student Complaint Policy is to describe the processes available for use by Students to make complaints; for the timely review, investigation, resolution, and appeal of such complaints; for communications with Students who make complaints; and for related record-keeping. Student Complaints that are covered elsewhere by CIA policies and procedures, such as complaints concerning sexual harassment, discrimination, grades, or student conduct, however, are exempt from this policy and governed by the CIA's HSMD Policy, the CIA's academic policies, and the Student Code of Conduct, respectively. This Student Complaint Policy promotes informal resolution as a first step, while providing fair and consistent formal processes for use when informal means fail to resolve a Student's concern. This policy is intended to meet the requirements of federal financial aid laws and regulations, state authorization reciprocity agreements, and accreditation standards.

## **B. POLICY STATEMENT**

The Culinary Institute of America (the CIA) has established processes for use by Students to make complaints; for the timely, prompt, and equitable review, investigation, resolution, and appeal of such complaints; for communications with Students who make complaints; and for related record-keeping. The CIA requires Students first to try informal means to resolve their concerns with the appropriate CIA Employee. If the outcome is not satisfactory to a Student, he or she should use the appropriate channel available under the Student Complaint Policy for the type of complaint to be addressed. The CIA will communicate the results of its review of a complaint with the Student in a timely manner, whenever possible, within sixty (60) days of receipt of the complaint. The CIA complies with related periodic reporting requirements. The CIA Student Complaint Policy does not govern Student complaints about sexual harassment, discrimination, grades, or Student conduct; these are governed by the HSMD Policy, the Student Code of Conduct, and academic policies.

For state authorization regulatory purposes of determining the State in which each Student enrolled in a Distance Learning program is located, the CIA may use any rational basis designed to meet administrative purposes, including the Student's residential (home) address, as provided by the Student at the time of initial enrollment and, if applicable, upon formal receipt of information from the Student, in accordance with the CIA's procedures, that the Student's location has changed to another state.

## C. AUTHORITY

The authority for establishing this policy rests with the Office of the President and the President's Cabinet.

## D. DEFINITIONS

**Complaint:** A written allegation made by a currently enrolled or former Student alleging that the CIA has violated a law, regulation, accreditation standard or requirement, CIA policy, or SARA policy, standard or requirement.

**Complainant:** A currently enrolled or former Student who files a Complaint.

**Distance Education:** Instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video and correspondence courses or programs. For SARA purposes, Distance Education includes limited activities conducted for short periods with students and faculty in the same location, such as short residencies.

**Employee:** see definition in the CIA Policy on Policies.

**NC-SARA:** National Council for State Authorization Reciprocity Agreements, the oversight body for SARA participating states and institutions.

**Policy:** Organization-wide directives that mandate requirements of, or provisions for, members of the CIA community, including procedures to assist with their implementation that are created and adopted in accordance with the CIA Policy on Policies, current Student Handbook and College Catalog.

**Policy Owner:** The Cabinet Member who has direct responsibility for oversight of the CIA Policy.

**Portal Entity:** The state agency or other state body designated by each SARA member state to serve as the interstate point of contact for SARA questions, complaints and other communications. The CIA's Portal Entity is the New York State Department of Education ([New York State Education Department \(nysed.gov\)](http://www.nysed.gov)).

**Procedure:** A series of action steps related to a policy that specifies how a particular process should be completed. Procedures include information on who, what, when, and where of the policy.

**Provost:** The individual who holds the title of Provost for the CIA, and, in cases of the Student Complaint Policy, will be their designee at any time the Provost is not available.

**SARA:** State Authorization Reciprocity Agreement, a voluntary agreement among its member states and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance-education courses and programs. It is intended to make it easier for students to take online courses offered by postsecondary institutions based in another state. The CIA is a member organization of NC-SARA, and its home state of New York is a member state of NC-SARA. As of the current version of this Student Complaint Policy, all 49 states, excluding California, participate in SARA. SARA applies solely to distance education activity across state lines. SARA has established its own complaint-resolution policies and procedures for use by Students. Only those complaints resulting from distance education courses, activities, and operations provided by SARA-participating institutions to students in other SARA states come under the scope of SARA. Complaints about a SARA institution's in-state operations are to be resolved under the state's normal provisions, not those of SARA.

**Student:** See definition in the CIA Policy on Policies.

## **E. PROCEDURES**

The following processes are available for handling Student Complaints that are not covered elsewhere by CIA policies and procedures, such as complaints about sexual harassment, discrimination, grades, or student conduct matters.

The processes set forth below should be approached sequentially, beginning with Step 1.

### **Step 1 – Informal Resolution**

A Student wishing to have a Complaint addressed should first seek an informal resolution by engaging in a dialogue with the relevant CIA Employee.

### **Step 2 – Formal Process**

A currently enrolled or former Student wishing to submit a Complaint must submit it in writing, using the online CIA Hot Line<sup>1</sup> if possible. If a Complainant does not have access to the Internet, the written Complaint should be marked Confidential and addressed to:

Culinary Institute of America  
Legal Advisor  
1946 Campus Drive  
Hyde Park NY 12538

All submissions must include:

- a. A written description of the specific problem, issue, or situation that led to the Complaint;
- b. A reference to the law, regulation, policy, standard, or requirement allegedly violated;
- c. A summary of steps taken towards resolution of the matter with the appropriate CIA administrator; and
- d. Additional supporting documentation if applicable.

The Legal Advisor will review all submissions for completeness and may in their discretion meet with the Complainant and/or relevant individuals to address any questions regarding the information submitted by the Complainant or to request missing information.

If it is determined that the Complainant has not completed Step One of the Student Complaint process under this policy, the Legal Advisor will advise the Complainant in writing about appropriate steps to follow to attempt to resolve the matter informally.

The Legal Advisor will present all complete submissions to the Provost of the CIA for review. At this stage, the Legal Advisor will notify the Complainant in writing that the Complaint is under investigation and review.

Upon investigation and review, if the Provost determines that the Complaint is unsubstantiated and/or does not involve a violation under this Policy, the determination will be documented, the Complaint will be closed, and the Hot Line database updated by the Legal Advisor.

Upon investigation and review, if the Provost determines that the Complaint is substantiated, reasonable steps will be developed to address the finding.

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<sup>1</sup> Compliance & Ethics Hotline Reporting Form (smartsheet.com)

Any changes to a CIA Policy must go through the process found within the CIA Policy on Policies.

The Legal Advisor will attempt to notify the Complainant of the results of the Complaint in writing within 60 business days of initial receipt of the Complaint.

The Legal Advisor will enter the appropriate resolution of the matter in the CIA Hot Line database and will close the case.

The Provost at their sole discretion may overturn the outcome and/or sanction if it is deemed that the conclusion may have been altered by the findings identified by the working group charged with researching the allegations contained in the Complaint.

### **Step 3 – Formal Processes Beyond the CIA**

Students who wish to pursue their Complaint beyond the outcome achieved through Step 2 or who are not able to file a Complaint with the school, may file a Complaint with one or more of the following entities:

**Middle States Commission on Higher Education** - <https://www.msche.org/complaints> See Appendix I for MSCHE policy on Complaints involving Member and Candidate Institutions

**New York Campus and New York Residents** - See Appendix II to this policy for non-Distance Education Student Complaints.

**California Campus and California Residents** - See Appendix III to this policy.

**Texas Campus and Texas Residents** - See Appendix IV to this policy.

**List of State Offices for Students Residing Outside of New York State** -

<https://www2.ed.gov/about/contacts/state/index.html>

**Students in Foreign Additional Locations and Singapore Branch Campus** - the processes are the same as for the New York Campus.

### **Distance Education Complaints**

Since California is not a member state of SARA as of the version date of this policy, Distance Education Students living in California who wish to pursue a Distance Education Complaint may file a complaint with the California Department of Consumer Affairs:

[www.dca.ca.gov/consumers/complaints/oos\\_students.shtml](http://www.dca.ca.gov/consumers/complaints/oos_students.shtml)

California Department of Consumer Affairs  
Consumer Information Center  
1625 North Market Street, N-112  
Sacramento, CA 95834  
833-942-1120  
[dca@dca.ca.gov](mailto:dca@dca.ca.gov)

Students of the CIA's Distance Education courses, except those living in California, wishing to pursue a Complaint that does not pertain to grades or student conduct matters may appeal the outcome of Step 2 within two years of the incident to the SARA Portal Entity in the CIA's home state of New York at the following contact information:

Supervisor of Higher Education Programs  
New York State Education Department (NYSED)  
89 Washington Avenue  
Albany, NY 12234  
518-474-1551  
[IHEauthorize@nysed.gov](mailto:IHEauthorize@nysed.gov)  
<http://www.nysed.gov/college-university-evaluation/complaints>

NYSED will notify the Complainant's home state SARA entity of its receipt of the appealed Complaint. A Complainant may also contact the SARA portal entity of his or her home state which may work with NYSED to resolve the issue. Contact information for all participating state, territorial and district portal entities may be found at the NC-SARA website: <https://nc-sara.org/student-complaints>.

General-purpose laws enforced by state or federal law enforcement agencies shall not be affected or superseded by any provisions of SARA. States must report Complaint histories to NC-SARA and as appropriate to affected accrediting agencies. Only those complaints resulting from distance education courses, activities, and operations provided by SARA-participating institutions to students in other SARA states come under the scope of SARA. Complaints about a SARA institution's in-state operations are to be resolved under the state's normal provisions, not those of SARA.

## **Tracking Student Complaints**



Monthly, the Legal Advisor will provide the CIA Office of Accreditation and Assessment and the Office of Institutional Research and Effectiveness with a written report indicating the number and type and status of Complaints in the CIA Hot Line.

The Office of Institutional Research and Effectiveness will track and maintain records of the number, type, and resolution of Student Complaints in accordance with reporting requirements.

## Record Keeping

The CIA shall maintain records related to Student Complaints under this policy according to the CIA Record Retention policy, federal and state laws, regulations, accreditation standards or requirements, or SARA requirement. In the event of a conflict of standards, the longer time period shall apply.

## F. RESPONSIBLE CABINET MEMBER

Provost

## G. RELATED INFORMATION

Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning) – the Council of Regional Accrediting Commissions (C-RAC)

Middle States Commission on Higher Education– Standard II, Ethics and Integrity

[34 CFR 602.16 - Accreditation and preaccreditation standards](#)

[34 CFR 600.9\(a\)\(1\) – State authorization](#)

SARA Manual 21.1 (May 28, 2021), Sections 4.3 (Example of Consumer Protection Issues), 4.5 (Process for Resolving Complaints) and 4.6 (Oversight of Complaint Investigation)

## POLICY HISTORY

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**Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed:**

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**Policy Advisory Committee (PAG) Approval to Proceed:**

**11/1/18; 12/19/2019, 9/29/2022**

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**Cabinet Approval to Proceed: 12/3/2018, 11/1/2022**

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**Scheduled Review Date:**

## MSCHE policy on Complaints involving Member and Candidate Institutions



ACCREDITATION POLICY  
AND PROCEDURES

### Complaints Involving Member and Candidate Institutions

*Effective Date: August 3, 2018*

#### Contents

- I. Purpose
- II. Statement of Policy
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#### I. Purpose

This policy defines the purpose and scope of the Middle States Commission on Higher Education's procedures to review complaints involving its member institutions.

#### II. Statement of Policy

The Middle States Commission on Higher Education recognizes the value of information provided by students, employees, and others in determining whether an institution's performance is consistent with the Commission's standards and expectations for accreditation. The Commission's interest also is in assuring that member institutions maintain appropriate grievance procedures and standards of procedural fairness and that procedures are followed appropriately.

Individuals can submit at any time a complaint regarding an institution's compliance with Commission Requirements of Affiliation, standards, or policies or regarding an institution's compliance with its own policies or procedures. Individuals interested in submitting information regarding an institution's accreditability to be considered during an upcoming accreditation review should follow the Commission's policy on *Third-Party Comment*. The Commission reserves the right to review incoming complaints under either policy as appropriate to the circumstances.

The Commission's complaint procedures are created to address non-compliance with the Commission's standards for accreditation, requirements of affiliation, policies or procedures, or the institution's own policies or procedures.

Matters outside of the Commission's purview include disputes between individuals and affiliated institutions about admission, grades, granting or transferability of credits, application of academic policies, fees or other financial matters, disciplinary matters, contractual rights and obligations, personnel decisions, or similar matters. In addition, the Commission does not involve itself in collective bargaining disputes.

The Commission does not seek any type of compensation, damages, readmission, or any other redress on an individual's behalf. The Commission does not respond to, or take action on, any complaint or allegation that is defamatory, hostile, or contains profanity.

The Commission expects individuals to attempt to resolve the issue through the institution's own published grievance procedures before submitting a complaint to the Commission. Therefore, the Commission's practice is not to consider a complaint which is currently in administrative proceedings, including institutional proceedings, or in

**APPENDIX II**  
**New York State Department of Education**  
**Office of College and University Evaluation**  
**Student Complaint Process**

The following disclosure about the student complaint process is required by the New York State Department of Education Office of College and University Evaluation.

**Filing a Complaint About a College or University**

For all types of complaints concerning colleges and universities in New York State, the first course of action must be to try to resolve the complaint directly with the administration of the college or university involved. The Office of College and University Evaluation will not review a complaint until all grievance procedures at the institution have been followed and all avenues of appeal exhausted and documentation provided that such procedures have been exhausted. Please note: Every New York State college and university is required to establish, publish, and enforce explicit policies related to redress of grievances.

Please do not send a complaint to the Office of College and University Evaluation until you have read all of the information below. This will assure that you are sending your complaint to the appropriate agency/office. The Office of College and University Evaluation handles only those complaints that concern educational programs or practices of degree-granting institutions subject to the Regulations of the Commissioner of Education, with the exceptions noted below.

- The Office does not handle anonymous complaints.
- The Office does not intervene in matters concerning an individual's grades or examination results, as these are the prerogative of the college's faculty.
- The Office does not handle complaints concerning actions that occurred more than five years ago.
- The Office does not intervene in matters that are or have been in litigation.
- Complaints concerning **programs in fields leading to professional licensure** (e.g., nursing) should be directed to:

Office of the Professions  
Professional Education Program Review  
Education Building, 2 West  
Albany, NY 12234

- A complaint against a college in the **State University system** should be sent to:  
State University of New York  
Central Administration

State University Plaza  
Albany, NY 12246

- A complaint against a college in the City University system should be sent to:

City University of New York  
Office of the General Counsel  
240 East 42nd Street, 11th floor  
New York, NY 10017

- Civil rights: a complaint involving discrimination based on race, color, national origin, age, disability and sex, including sexual harassment, should be filed with the U.S. Office for Civil Rights:

Office for Civil Rights (OCR) – Enforcement Office  
U.S. Department of Education  
32 Old Slip, 26th floor  
New York, NY 10005 – 2500

Telephone: 646-428-3900 FAX: 646-428-3843 TDD: 877-521-2172 Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

Or with: NYS Division of Human Rights <http://www.dhr.ny.gov/how-file-complaint>

- A complaint of consumer fraud on the part of the institution should be directed to the Office of the New York State Attorney General, Justice Building, Empire State Plaza, Albany, NY 12223.
- For a complaint about state student financial aid matters, contact the Higher Education Services Corporation (HESC) Customer Communications Center at 1- 888-NYS-HESC.

Complainants should be aware that the Office of College and University Evaluation does not conduct a judicial investigation and has no legal authority to require a college or university to comply with a complainant's request. If your complaint does not fall into one of the exceptions noted above, [use] the Office of College and University Evaluation Complaint Form available at the CIA Student Complaint Process webpage, <https://www.ciachef.edu/student-complaint-process/>.

**APPENDIX III**  
**Bureau for Private Postsecondary Education**  
**Process for Filing a Complaint**  
**For California Campus and California Residents**

**The following disclosure about the student complaint process is required by the Bureau for Private Postsecondary Education**

**How to File a Complaint**

Most consumers receive a quality education and have a generally positive experience from attending an approved private postsecondary educational institution (institution). However, in the event a consumer believes an institution's administrative processes or educational programs are compromised and not up to the required minimum standards, the Bureau should be notified. A complaint may be filed by writing (Complaint Form) or calling the Bureau's Enforcement Section at the following address and telephone number:

Bureau for Private Postsecondary Education  
1747 North Market, Suite 225  
Sacramento, CA 95834  
Telephone: (916) 574-8900

An alternative avenue for filing a Complaint is to utilize the California Department of Consumer Affairs' (DCA) online Complaint Form [below]. The DCA will forward the On-line Complaint to the Bureau.

- Complaint Form [[https://www.bppe.ca.gov/forms\\_pubs/complaint.pdf](https://www.bppe.ca.gov/forms_pubs/complaint.pdf)]
- Online Complaint Form [<https://www.dca.ca.gov/webapps/gencomplaint.php>]

**WHO MAY FILE A COMPLAINT**

A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (1-888-370-7589) or by completing a complaint form, which can be obtained on the bureau's internet website ([bppe.ca.gov](http://bppe.ca.gov) or <https://www.bppe.ca.gov/enforcement/complaint.shtml>).

**APPENDIX IV**  
**Student Complaint Information**  
**TEXAS**

The following disclosures regarding student complaint procedures are required by the Texas Workforce Commission (TWC) and Texas Higher Education Coordinating Board (THECB).

**TEXAS WORKFORCE COMMISSION**  
**STUDENT COMPLAINTS**

The following notice regarding student complaints is required by the Texas Workforce Commission. See Texas Administrative Code, Title 40, Part Chapter 807, Subchapter P, Section 807.301.

Dear Students: This school has a Certificate of Approval from the Texas Workforce Commission (TWC).

The TWC-assigned school number is S2775.

The school's programs are approved by TWC. The degree programs are authorized by the Texas Higher Education Coordinating Board. The school is also accredited by the Middle States Commission on Higher Education.

Students must address their concerns about this school or any of its educational programs by following the grievance policy outlined in the school's catalog. ([The Culinary Institute of America Academic Catalog \(https://catalog.ciachef.edu/\)](https://catalog.ciachef.edu/) ; Policies; Student Complaints Policy and Procedure) Schools are responsible for ensuring and documenting that all students have received a copy of the school's grievance procedures and for describing these procedures in the school's published catalog. If, as a student, you were not provided with this information, please inform the director of education at the San Antonio campus.

Students dissatisfied with this school's response to their complaint or who are not able to file a complaint with the school, can file a formal complaint with TWC, as well as with other relevant agencies or accreditors, if applicable.

Information on filing a complaint with TWC can be found on TWC's Career Schools and Colleges website at [www.texasworkforce.org/careerschoolstudents](http://www.texasworkforce.org/careerschoolstudents).

**TEXAS HIGHER EDUCATION COORDINATING BOARD**  
**STUDENT COMPLAINTS**  
( [www.thecb.state.tx.us/studentcomplaints](http://www.thecb.state.tx.us/studentcomplaints) )

**The following notice regarding student complaints is required by the Texas Higher Education Coordinating Board.**

**Overview:** The Texas Higher Education Coordinating Board (THECB) adopted rules codified under Title 19 of the Texas Administrative Code, Sections 1.110–1.120, on October 25, 2012. The rules create a student complaint procedure to comply with the U.S. Department of Education’s “Program Integrity” regulations, which require each state to have a student complaint procedure in order for public and private higher education institutions to be eligible for federal Title IV funds. In December 2011, the Office of Attorney General of Texas issued an opinion stating that THECB has authority under Texas Education Code Section 61.031 to promulgate procedures for handling student complaints concerning higher education institutions.

**How to submit a student complaint:** After exhausting the institution’s grievance/complaint process, current, former, and prospective students may initiate a complaint with THECB by submitting the required forms along with evidence of their completion of their institution’s complaint procedures. Complaints may be submitted using one of the following three options:

- Completing the online student complaint form and uploading the required supporting documentation in Portable Document Format (PDF)

To access the online student complaint form, use the “Contact Us” link to submit an e-mail with “Student Complaint Against a Higher Education Institution” selected as the Contact Reason. After submitting your e-mail, wait a few moments for the online student complaint form to be automatically presented for your use.

- Sending the required Student Complaint and Release Forms and supporting documentation as PDF attachments by e-mail to [studentcomplaints@thecb.state.tx.us](mailto:studentcomplaints@thecb.state.tx.us).

Or

- Mailing printed forms and documentation to:  
Texas Higher Education Coordinating Board  
Office of General Counsel



P.O. Box 12788 Austin, Texas 78711-2788

Facsimile transmissions of student complaint forms are not accepted. All submitted student complaint forms must include a signed Family Educational Rights and Privacy Act (FERPA) Consent and Release form and THECB Consent and Agreement Form. Submitted complaints regarding students with disabilities shall also include a signed Authorization to Disclose Medical Record Information form.

The Agency does not handle, investigate, or attempt to resolve complaints concerning actions that occurred more than two years prior to filing a student complaint form with the Agency, unless the cause of the delay in filing the student complaint form with the Agency was the complainant's exhaustion of the institution's grievance procedures.

Former students shall file a student complaint form with the Agency no later than one year after the student's last date of attendance at the institution, or within six (6) months of discovering the grounds for complaint, unless the cause of the delay in filing the student complaint form with the Agency was the complainant's exhaustion of the institution's grievance procedures.

**Process:** The first step in addressing a complaint is to follow your institution's complaint procedures. If your institution is unable to resolve the matter after you have exhausted their complaint and appeal processes, you may file a complaint with this Agency. Once the Agency receives a student complaint form, the Agency may refer the complaint to other agencies or entities as follows:

THECB may refer complaints alleging that an institution has violated state consumer protection laws to the Consumer Protection Division of the Office of the Attorney General of Texas for investigation and resolution, and may refer complaints pertaining to a component institution in a university system to the appropriate university system for investigation and resolution. E.g., complaints pertaining to an institution in the University of Texas System, Texas A&M University System, University of Houston System, University of North Texas System, Texas Tech University System, or Texas State University System can be referred to the appropriate university system for investigation and resolution. Further, if THECB determines that a complaint is appropriate for investigation and resolution, by the institution's accrediting agency or an educational association such as ICUT (Independent Colleges & Universities of Texas, Inc.), the Agency may refer the complaint to the accrediting agency or educational association. THECB has the right to adopt any decision made by the accrediting agency or educational association, and may terminate the referral of the complaint to those entities at any time and proceed to investigate

and adjudicate the complaint. If a student complaint concerns compliance with the statutes and regulations that THECB administers and the complaint has not been referred to another entity, THECB will initiate an investigation. Prior to initiating an investigation, however, the student must exhaust all grievance/complaint and appeal procedures that the institution has established to address student complaints and provide documentation to THECB of such exhaustion.

As part of its investigation, THECB will request a response from the institution, and may also contact other persons or entities named in the student's complaint or in the institution's response, in order to ascertain all relevant facts. During its investigation, THECB will, in appropriate cases, attempt to facilitate an informal resolution to the complaint that is mutually satisfactory to the student and institution. In cases in which an informal resolution between the student and the institution is not feasible, THECB will evaluate the results of the investigation of the student complaint and recommend a course of action to the Commissioner. After receiving staff's recommendation, the Commissioner will consider the recommendation regarding the complaint and render a written determination either dismissing the complaint or requiring the institution to take specific actions to remedy the complaint. The Commissioner may also request the Board to review and decide issues that regard institutional integrity.