

# ADDENDUM TO THE 2015–2016 STUDENT HANDBOOKS OF THE CULINARY INSTITUTE OF AMERICA—OCTOBER 2015

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## ABOUT THIS ADDENDUM

This addendum provides updates to the college’s 2015–2016 *Student Handbook* published for each campus in Fall 2015. The handbooks and addendum are in effect through May 2016.

### PAGE 81—HYDE PARK, PAGE 86—GREYSTONE

Added the following to Article II: Jurisdiction and Proscribed Conduct, B. Conduct Rules and Regulations:

**Section 19.** Violation of any college policy not outlined in this code, including, but not limited to: Harassment, Sexual Misconduct, and Discrimination Policy; Harassment, Sexual Misconduct, and Discrimination Policy Campus SaVE Act Addendum; and Hazing Policy.

### PAGE 56—SAN ANTONIO

Added the following to Article II: Jurisdiction and Proscribed Conduct, B. Conduct Rules and Regulations:

**Section 18.** Violation of any college policy not outlined in this code, including, but not limited to: Harassment, Sexual Misconduct, and Discrimination Policy; Harassment, Sexual Misconduct, and Discrimination Policy Campus SaVE Act Addendum; and Hazing Policy.

### PAGE 81—HYDE PARK, PAGE 87—GREYSTONE, PAGE 57—SAN ANTONIO

Added the following to Article II: Jurisdiction and Proscribed Conduct:

#### D. AMNESTY FROM DRUG, ALCOHOL, AND OTHER CONDUCT VIOLATIONS

The health and safety of the CIA community is of utmost importance. The CIA recognizes that students who have been drinking and/or using drugs (whether such is voluntary or involuntary) 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 bystander acting in good faith or a reporting individual 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 code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

In addition to amnesty for alcohol and drug violations, an individual who participates in good faith as a complainant, a witness in an investigation, or a bystander in relation to an incident of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for any violation of the institution’s student conduct policy at or near the time of the incident, unless the institution 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.

Replaced the Harassment, Sexual Misconduct, and Discrimination Policy—Campus SaVE Act ADDENDUM with the following:

## Harassment, Sexual Misconduct, and Discrimination Policy—Campus SaVE Act ADDENDUM

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### 1. PURPOSE AND SCOPE

This addendum supplements and amends The Culinary Institute of America’s Harassment, Sexual Misconduct, and Discrimination (HSMD) Policy (adopted October 22, 2013), as that policy applies to alleged incidents of sexual assault or other sexual violence, domestic violence, dating violence, or stalking in accordance with Title VII, the Violence Against Women Reauthorization Act the Campus SaVE Act, as well as Article 129-B of the New York Education Law and Section 67836 of the California Education Code.

Unless otherwise specifically noted in this addendum, alleged incidents of sexual assault or other sexual violence, domestic violence, dating violence, or stalking as set forth above shall be investigated and processed in accordance with the procedures set forth in the HSMD Policy. In the event of any conflict between the provisions of the HSMD Policy and this addendum, the provisions of this addendum will control.

This policy applies to all members of the CIA community, including students, faculty, staff, administrators, trustees, vendors, contractors, and third parties visiting CIA facilities.

### 2. FORMS OF HARASSMENT AND DISCRIMINATION

The forms of harassment and discrimination that are prohibited by the HSMD Policy shall specifically include, without limitation, domestic violence, dating violence, sexual assault, and stalking as defined more specifically below in accordance with the Violence Against Women Reauthorization Act and the Campus SaVE Act. For the purposes of the HSMD Policy and this addendum, the definition of “consent” shall be interpreted and defined by the CIA as “affirmative consent” in its New York (Hyde Park) and California (Greystone) campus locations in accordance with the appropriate state law as further outlined in the definitions below. For all other campuses, the definition of “consent” as defined in the HSMD Policy and this addendum shall continue to be utilized.

### 3. DEFINITIONS

**Affirmative Consent: (New York) Article 129-B of the New York Education Law:** a 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.

**Affirmative Consent: (California) Section 67836 of the California Education Code:** 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.

**Awareness Programs:** community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander Intervention:** safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**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 a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

**Ongoing Prevention and Awareness Campaigns:** programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Primary Prevention Programs:** programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Risk Reduction:** options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Sexual Assault:** sexual assault means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Stalking:** stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Stalking can include, for example:

- Making repeated, unwanted, intrusive, and frightening communications by phone, mail, and/or e-mail.
- 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 a recreation place.
- Making direct or indirect threats to harm the victim or the victim's children, relatives, friends, or pets.

- Damaging or threatening to damage the victim's property.
- Harassing the victim through the Internet.
- Posting information or spreading rumors about the victim on the Internet, in a public place, or by word of mouth.
- 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 the victim's friends, family, work, or neighbors; etc.

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#### **4. REPORTING AND OPTIONS FOR ASSISTANCE**

Members of the CIA community who believe that they have been or are being subjected to harassment or discrimination, including, but not limited to, any form of sexual misconduct, have the right, but are not required, to report the matter and to seek assistance from the CIA or resources off-campus or both. The following resources are available at each campus. Please click the appropriate link below:

##### **A. IMMEDIATE ASSISTANCE**

- Hyde Park—See “Immediate Resources” chart
- San Antonio—See “Immediate Resources” chart
- Greystone—See “Immediate Resources” chart
- Singapore—See “Immediate Resources” chart

##### **B. SEXUAL ASSAULT RESPONSE TEAM (SART)**

SART (Sexual Assault Response Team) advisors at each campus are trained staff and administrators who are first responders to complaints of sexual misconduct. These SART advisors can provide the complainant with support and assistance, access to resources, 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 information about resources on and off campus and letting the complainant make decisions based on what feels comfortable. Upon initial contact, SART advisors will:

- Offer information about resources that 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.
- Remain in close contact with the Title IX coordinator to ensure a coordinated, timely, and appropriate support system for the complainant.

SARTs have been established at each campus:

### **SARTs**

Hyde Park–See “Sexual Assault Response Team (SART)” chart

San Antonio–See “Sexual Assault Response Team (SART)” chart

Greystone–See “Sexual Assault Response Team (SART)” chart

Singapore–See “Sexual Assault Response Team (SART)” chart

As is discussed in the HSMD Policy, some resources are “confidential” resources—i.e., persons who can offer support, advice, or other services and who, as a general matter, are not required to further report, initiate an investigation, or otherwise take action in response to the information you provide—while other resources are not confidential. The only on-campus “confidential reporting” resources are the counselor and therapists in the CAPS Office in Hyde Park and the counselor in St. Helena.

Students are encouraged to carefully review all of their reporting options before deciding whether or to whom to report.

Complete confidentiality is limited to those not bound by law to report known incidents of sexual assault or other crimes to institution officials in a manner consistent with state and federal laws.

An individual who is unable to offer complete confidentiality under the law nevertheless will protect an individual’s personal information to the extent possible, subject to the institution’s obligations to investigate and stop harassment, discrimination, and/or sexual misconduct on campus.

### **C. PRESERVING EVIDENCE**

The CIA will provide the following information to complainants (victims) regarding the preservation of evidence in accordance with the Campus SaVE Act:

- Seek medical care as soon as possible. Even if you do not have any visible physical injuries, you may be at risk of becoming pregnant or acquiring a sexually transmitted disease.
- Ask a healthcare provider, law enforcement, or rape crisis center where you can go for a sexual assault forensic examination (SAFE) to be conducted. Note: you are not required to have a sexual assault forensic exam.
- It is best to collect forensic evidence from the body within 72 hours.
- Consider preserving evidence: If possible, do not change your clothes, and avoid bathing, urinating, washing hands, or brushing your teeth.
- If you need to change, place all clothing in a brown paper bag, so that it can be preserved as evidence, and bring it to the hospital if you decide to seek medical care.
- If you suspect you have been drugged, request that a urine sample be collected. Inform the sexual assault nurse examiner that you suspect you were drugged.
- If possible, write down, or record by any other means, all the details you can recall about the assault and your assailant.

### **D. COOPERATION WITH LAW ENFORCEMENT**

The CIA also maintains a Memorandum of Understanding (“MOU”) with local law enforcement in each of its domestic campuses. The purpose of the MOU is to ensure cooperation between local law enforcement, Campus Safety, and the Title IX coordinator during the course of an investigation in accordance with the Campus SaVE Act, the Violence Against Women Reauthorization Act, and the Clery Act, as well as Article 129-B of the New York Education Law, and Section 67836 of the California Education Code.

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## 5. AMNESTY FROM DRUG, ALCOHOL, AND OTHER CONDUCT POLICIES

The health and safety of the CIA community is of utmost importance. The CIA recognizes that students who have been drinking and/or using drugs (whether such is voluntary or involuntary) 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 bystander acting in good faith or a reporting individual acting in good faith that 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 code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

In addition to amnesty for alcohol and drug violations, an individual who participates in good faith as a complainant, a witness in an investigation, or a bystander in relation to an incident of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for any violation of the institution's student conduct policy at or near the time of the incident, unless the institution 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.

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## 6. INVESTIGATION AND DISCIPLINARY PROCEDURES

### OVERSIGHT

The Title IX/Age Discrimination Act coordinator's responsibilities include overseeing all complaints of harassment and discrimination and identifying and addressing any patterns or systemic problems that may arise, including sexual violence, domestic violence, dating violence, or stalking in accordance with Title VII, the Violence Against Women Reauthorization Act, and the Campus SaVE Act, as well as Article 129-B of the New York Education Law and Section 67836 of the California Education Code. The investigation procedures contained in the CIA's HSMD Policy will apply to any incident of sexual violence, domestic violence, dating violence, or stalking, subject to the additional procedures and information contained in this policy.

### SANCTIONS

#### Students:

When the findings of an investigation determine a student violated the HSMD Policy and/or HSMD student code of conduct, the sanctions outlined below will be used. Students will be subject to the disciplinary and appeal process outlined in the HSMD Policy for founded violations of the HSMD Policy. When the findings of an investigation determine a student did not violate the HSMD Policy, but did violate the Student Code of Conduct, those cases will be adjudicated through the process outlined in the Student Code of Conduct. In these cases, a student will be subject to the disciplinary and appeal process outlined in the Student Code of Conduct.

The following sanctions may be imposed upon any student found to have violated the HSMD Policy. Any combination of sanctions listed in this section may be imposed for any single violation.

- a. **Warning:** A notice in writing informing the student that he or she is violating or has violated college regulations, and warning that repeat violations will result in more severe disciplinary sanctions. A verbal warning may occasionally be given to allow a student to correct a violation in a timely manner.

- b. **Demerits:** One to 10 demerits may be assessed for verified violations of this code. An accumulation of 10 demerits may result in suspension or dismissal from the CIA. Demerits may disqualify a student from becoming a resident assistant, participating in the Manager-in-Training (MIT) Program, living in specific residence halls, or holding certain student offices.
- c. **Probation:** Probation for a designated time may be assigned. Probation may include certain 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.
- d. **Loss of Privileges:** 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, use of the Student Recreation Center, visitation, student employment, or use of any campus facility or service.
- e. **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, prevention from continuation in classes, and/or prevention from attending the graduation ceremony, receiving of the diploma, and receiving copies of student transcripts and records. Fines are usually given in addition to demerits during the student's last nine weeks at the college.
- f. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- g. **Community Service:** Work assignments, providing a useful service to the CIA campus community for a specified number of hours.
- h. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time. Students with serious disciplinary records are not permitted to reside in or visit residence halls as deemed appropriate.
- i. **Residence Hall Dismissal:** Permanent separation of the student from the residence halls. Students dismissed from the residence halls are not allowed to visit the residence halls or the grounds adjacent to them.
- j. **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. This may include required drug testing by the treatment facility or the college.
- k. **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.
- l. **Involuntary Leave of Absence:** Significant concerns regarding health and wellness may require the college to place a student on an involuntary leave of absence until said concern is addressed.
- m. **Suspension:** Suspension from the CIA is often for 15 weeks to one year, but may be for lesser or greater periods of time. Suspension may take effect immediately upon the CIA's decision, 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. Suspensions will disqualify a student from becoming a resident

assistant, participating in the Manager-in-Training (MIT) Program, living in specific residence halls, or holding certain student offices.

- n. **Dismissal:** Permanent separation of the student from the CIA.
- o. **No Contact Orders:** No Contact Orders (NCOs) are temporary directives issued by the Student Affairs Office prohibiting communication between or among designated students when, in the judgment of the CIA, there is reason to believe that 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 restraining orders 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 he/she would not have to engage in required academic activities.

### **Employees:**

When the findings of an investigation determine that an employee violated the HSMD Policy, sanctions may include, but not be limited to, written discipline, suspension, and/or termination as appropriate to the findings. More serious findings of sexual violence or sexual assault will likely result in termination of employment if appropriate. Employees will be subject to the disciplinary and appeal process outlined in the HSMD Policy for founded violations of the HSMD Policy.

## **FOR ALL CAMPUSES, THE FOLLOWING RIGHTS WILL BE AFFORDED UNDER FEDERAL LAW**

### **Complainant Statement of 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, and 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, and 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, or campus or criminal charges. These changes will respect the complainant's confidentiality to the extent possible and may include:
  - a. Moving from one on-campus residence to another on-campus residence;
  - b. Rescheduling of an exam, paper, or assignment;
  - c. Taking an Incomplete (I) in a class;
  - d. Administratively withdrawing (AW) from a class;
  - e. Transferring to a different class section;
  - f. Taking a temporary leave from the CIA;
  - g. 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. 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;
  - b. The ability to obtain a copy of the NCO and review it with a CIA official to fully understand the consequences if a violation of the NCO takes place;
  - c. Assistance by the CIA in obtaining an "order of protection" (OOP) from a criminal or family court;
  - d. Assistance from the CIA to enforce an NCO or OOP, including, but not limited to, arrest by local law enforcement, interim suspension, or additional conduct charges;
  - e. 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, and Discrimination Policy;
- Know that a violation of the Harassment, Sexual Misconduct, and 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 publicly 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.

**Respondent (Accused) Statement of Rights**

An individual who is accused of sexual misconduct (the respondent) has certain rights guaranteed under the Clery Act and Title IX of the Education Amendments of 1972. 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 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;
- To be treated with dignity and respect throughout the process;
- Receive timely information regarding how to access available resources such as counseling, advocates, support, and 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 violation and possible sanctions;
- A prompt and thorough investigation of the allegations;
- An advisor of your choice through the investigation and/or appeal process;
- 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;
- Be fully informed of the Harassment, Sexual Misconduct, and Discrimination Policy and procedures to report, investigate, and resolve a complaint as well as possible sanctions;
- The same support opportunities available to the complainant throughout the investigation;
- Information regarding the status and outcome of the investigation/hearing;
- Options to change/modify your academic schedule or on-campus living situation if such changes are reasonably available. These changes can happen regardless of a formal complaint, investigation, or campus or criminal charges. These changes may include:
  - a. Moving from one on-campus residence to another on-campus residence;
  - b. Rescheduling of an exam, paper, or assignment;
  - c. Issuing an Incomplete (I) in a class;
  - d. Administratively withdrawing (AW) from a class;
  - e. Transferring to a different class section;

- f. Taking a temporary leave from the CIA;
- g. Adjusted work schedule;
- 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 the Harassment, Sexual Misconduct, and Discrimination Policy;
- Know that a violation of the Harassment, Sexual Misconduct, and Discrimination Policy will be based on preponderance of evidence (more likely than not);
- Privacy to the extent possible and allowed by law/policy.;
- Be given a copy of these rights when you are notified of the complaint.

#### **FOR NEW YORK STATE ONLY**

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

##### **New York State requires all students to have the right to:**

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

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## **7. SEXUAL ASSAULT PREVENTION, EDUCATION, AND TRAINING**

The Culinary Institute of America provides awareness programs for rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, including primary prevention programs for all incoming students and new employees that address the institution’s prohibition against such conduct, the definitions of such conduct, the definition of consent in reference to sexual activity in the applicable jurisdiction, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

This policy SaVE Act Addendum, along with the HSMD Policy, is posted on the CIA portal, as well as in all employee, faculty, and student handbooks. A copy of the HSMD Policy and SaVE Act Addendum will be provided to students and employees annually.

This information is provided to students during their orientation to the CIA, through a mandated online program called “Not Anymore” through the company Student Success. All incoming students are required to complete this program within their first two weeks of arrival on campus. Students who fail to complete the program are prevented from future registration, thus guaranteeing 100% compliance with completion of this educational program.

In addition, ongoing prevention and awareness campaigns occur throughout the year, which may include, but not be limited to: Department of Health/Planned Parenthood presentations, The Red Flag Campaign, Sex Signals program, and an Annual Wellness Expo with participation from a variety of community organizations, as well as other appropriate educational programs.

Each campus location shall have resources for students on support, prevention, and awareness of sexual assault. Resources shall be available through the Office of the Title IX Coordinator, the Office of Student Affairs, SARTs, Campus Safety, and Human Resources at all CIA domestic campuses.

All Campus Safety officers receive annual training on reportable crimes under the Clery Act, including all forms of sexual harassment, including sexual violence, domestic violence, dating violence, and stalking as set forth in this SaVE Act Addendum. Campus Safety on all CIA campuses provides an escort service upon request.

All administrators, faculty, and staff are trained with respect to sexual harassment, including sexual violence, domestic violence, dating violence, or stalking in accordance with Title VII, Title IX, the Violence Against Women Reauthorization Act, the Campus SaVE Act, as well as Article 129-B of the New York Education Law and Section 67836 of the California Education Code as appropriate during their first 60 days on campus. This training may occur through Sexual Harassment and SaVE online courses, as well as necessary in-person training updates on sexual harassment, sexual violence, domestic violence, dating violence, and stalking as set forth in this SaVE Act Addendum.

Any CIA employee who is involved in responding to, investigating, or adjudicating sexual misconduct as set forth in the HSMD Policy, as well as this SaVE Act Addendum, will also receive training and updates on an annual basis facilitated through the Office of the Title IX/Age Discrimination Act coordinator.

The Title IX/Age Discrimination Act coordinator and all investigators are initially certified through ATIXA training, and will receive continuing education to include information on sexual harassment, including sexual violence, domestic violence, dating violence, and stalking as set forth in this SaVE Act Addendum.

## **RISK REDUCTION**

Risk reduction includes options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. There are no sure means to prevent a sexual assault/offense. However, there are ways a person can lessen the likelihood of an assault.

The following suggestions may help reduce the risk or prevent a sexual offense:

- Be aware. Realizing that you could be a victim of a sexual offense is the first step toward protecting yourself.
- When going out, know where you are going and speak up if you are uncomfortable with the plans.

- Do not open doors to strangers; use your peephole or ask individuals to identify themselves prior to opening the door.
- Lock your door as soon as you enter or leave your room.
- Never hitchhike. Hitchhiking can lead to a very dangerous situation.
- Avoid drugs or excessive alcohol. Many sexual offenses involve drugs or alcohol.
- Do not leave a party with someone you just met, no matter how nice they may appear. Plan to go out with a friend and leave with the same friend.
- Never leave an alcohol drink unattended.
- Trust your instincts and be assertive about your rights; when safe to do so, clearly state your feelings.

The following suggestions may reduce the risk of committing a sexual offense:

- Listen carefully. If you are unsure what your partner is saying or implying, ask for clarification.
- Remember that a clear “yes” is needed to engage in sexual activity.
- Don’t make assumptions.
- Realize that just because someone has had sex with you in the past, it does not mean they want to have sex with you again.
- Be aware that having sex with someone who is incapable of giving consent due to alcohol or drug use is considered sexual assault.

### **BYSTANDER INTERVENTION**

Bystander intervention includes safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

- Approach everyone as a friend.
- Do not be antagonistic.
- Avoid using violence.
- Be honest and direct whenever possible.
- Recruit help (for example, from a friend) if necessary.
- Keep yourself safe.
- If things get out of hand or become too serious, contact a campus administrator or law enforcement.

Your personal safety and the safety of others is important. As a bystander, the following strategies can be used to intervene:

- Step in to separate the two people.
- Use a distraction, “Can you come with me to the bathroom?”
- Recruit another friend to help.
- Direct the attention away from the other person. “I don’t feel well, we need to go.”
- Evaluate the situation and determine your best move; don’t be afraid to change strategies.

## Sexual Assault Response Team (SART)

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

### HYDE PARK, NY

NAME	TITLE	SART ROLE
Daria Papalia	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. <b>Speaking with a counselor does not constitute a formal report to the CIA.</b>
Nancy Bushinsky	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. <b>Speaking with a counselor does not constitute a formal report to the CIA.</b>
Christine Mueller	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. <b>Speaking with a counselor does not constitute a formal report to the CIA.</b>
David Wapner	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. <b>Speaking with a counselor does not constitute a formal report to the CIA.</b>
Ryan Butler	Area Coordinator	On-call Residence Life staff that would be most likely to receive an initial report of a Title IX incident. <b>Reporting an incident to a Residence Life staff member will result in a formal investigation by the CIA.</b>
Jonathan Foerster	Residence Director	On-call Residence Life staff that would be most likely to receive an initial report of a Title IX incident. <b>Reporting an incident to a Residence Life staff member will result in a formal investigation by the CIA.</b>
Meka Harris	Residence Director	On-call Residence Life staff that would be most likely to receive an initial report of a Title IX incident. <b>Reporting an incident to a Residence Life staff member will result in a formal investigation by the CIA.</b>
Christine Albain	Residence Director	On-call Residence Life staff that would be most likely to receive an initial report of a Title IX incident. <b>Reporting an incident to a Residence Life staff member will result in a formal investigation by the CIA.</b>
Cayla Thompson	Residence Director	On-call Residence Life staff that would be most likely to receive an initial report of a Title IX incident. <b>Reporting an incident to a Residence Life staff member will result in a formal investigation by the CIA.</b>

*\*Aside from counselors, all SART members are mandated to report any Title IX complaints to Joe Morano, Title IX coordinator in Hyde Park, NY.*

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**SAN ANTONIO, TX**

<b>NAME</b>	<b>TITLE</b>	<b>SART ROLE</b>
April Goess	Director, Education	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. <b>Reporting an incident to any CIA official will result in a formal investigation by the CIA.</b>
Mar-y-Sol Salinas	Manager, Learning Strategies	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. <b>Reporting an incident to any CIA official will result in a formal investigation by the CIA.</b>
Shannon Gerome	Manager, Student Affairs	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. <b>Reporting an incident to any CIA official will result in a formal investigation by the CIA.</b>

*\*Aside from Counselors, all SART members are mandated to report any Title IX complaints to Joe Morano, Title IX Coordinator in Hyde Park, NY.*

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**ST. HELENA, CA**

<b>NAME</b>	<b>TITLE</b>	<b>SART ROLE</b>
Kathleen Herrera	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. <b>Speaking with a counselor does not constitute a formal report to the CIA.</b>
Joshua Martin	Residence Life Director	On-call Residence Life staff that would be most likely to receive an initial report of a Title IX incident. <b>Reporting an incident to a Residence Life staff member will result in a formal investigation by the CIA.</b>
Catherine Réblé	Student Affairs Manager	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. <b>Reporting an incident to any CIA official will result in a formal investigation by the CIA.</b>

*\*Aside from Counselors, all SART members are mandated to report any Title IX complaints to Joe Morano, Title IX Coordinator in Hyde Park, NY.*

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**SINGAPORE**

<b>NAME</b>	<b>TITLE</b>	<b>SART ROLE</b>
Eve Felder	Managing Director	Able to give students options for reporting to local law enforcement, as well as community resources for medical and emotional support. <b>Reporting an incident to any CIA official will result in a formal investigation by the CIA.</b>

*\*Aside from Counselors, all SART members are mandated to report any Title IX complaints to Joe Morano, Title IX Coordinator in Hyde Park, NY.*

## IMMEDIATE RESOURCES

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

### HYDE PARK, NY

ON CAMPUS (CONFIDENTIAL)	ON CAMPUS	OFF CAMPUS (CONFIDENTIAL)	OFF CAMPUS
CIA Counseling & Psychological Services (CAPS) Student Commons 218 845-905-4241	Campus Safety 845-451-1268	Family Services, Inc. 29 North Hamilton Street Poughkeepsie, NY 12601 845-452-1110, ext. 3083 Provides advocacy, forensic nursing services, counseling	Dutchess County Sherriff 150 North Hamilton Street Poughkeepsie, NY 12601 845-486-3800
	Student Affairs Student Commons 236 (M–F: 8:30 a.m.–5 p.m.) Kathy Merget or Dennis Macheska 845-451-1316	Rape Crisis and Crime Victims Hotline (24 hours) 845-452-7272	Hyde Park Police 845-229-9340
		Planned Parenthood of the Mid-Hudson Valley 1-800-230-PLAN (7526) Provides GYN exams, emergency contraception, pregnancy testing, HIV and STD testing	
		Mid-Hudson Regional Hospital of Westchester Medical Center 845-483-5000 <a href="http://www.sfhospital.org">www.sfhospital.org</a>	

### SAN ANTONIO, TX

ON CAMPUS (CONFIDENTIAL)	ON CAMPUS	OFF CAMPUS (CONFIDENTIAL)	OFF CAMPUS
	Pearl Security 210-889-5287	Rape Crisis and Crime Victims Hotline (24 hours) 210-349-7273	San Antonio Police Department 210-207-7273
	April Goess or Shannon Gerome (M–F: 8 a.m.–4 p.m.) 210-554-6452	Bexar County Mental Health Services (24 hours) 210-207-2581	

**ST. HELENA, CA**

<b>ON CAMPUS (CONFIDENTIAL)</b>	<b>ON CAMPUS</b>	<b>OFF CAMPUS (CONFIDENTIAL)</b>	<b>OFF CAMPUS</b>
Kathleen Herrera Student Counselor 707-967-2420	Campus Security 707-548-2478	Napa Emergency Women's Services (NEWS) 1141 Pear Tree Lane, Suite 220 Napa, CA 94558 707-252-3687	St. Helena Police Department 1480 Main Street St. Helena, CA 94574 707-967-2850
	Joshua Martin (M-F: 8:30 a.m.-5 p.m.) 707-967-2486	Crisis Line 707-255-6397	Napa Police Department 1539 First Street Napa, CA 94559 707-257-9223
	Jared Snyder (M-F: 8:30 a.m.-5 p.m.) 707-967-2486	Victim Witness Assistance 1820 Jefferson Street Napa, CA 94559 707-252-6222	
		St. Helena Emergency Room 10 Woodland Road St. Helena, CA 94574 707-963-6425	
		Queen of the Valley Medical Center 1000 Trancas Street Napa, CA 94558 707-252-4411	

**SINGAPORE**

<b>ON CAMPUS (CONFIDENTIAL)</b>	<b>ON CAMPUS</b>	<b>OFF CAMPUS (CONFIDENTIAL)</b>	<b>OFF CAMPUS</b>
	Eve Felder	Hospital or Counselor	Law Enforcement

**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 will require the CIA to conduct an investigation. While your confidentiality cannot be guaranteed, your privacy will be protected to the extent possible:

Joseph Morano—Senior Director, Faculty Relations  
 Certified Title IX Coordinator  
 Title IX/Age Discrimination Act Coordinator  
 The Culinary Institute of America  
 1946 Campus Drive  
 Hyde Park, NY 12538  
 Office: Roth Hall S326  
 Telephone: 845-451-1314  
 E-mail: j\_morano@culinary.edu

# Appendix A

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## **STUDENT HSMD BILL OF RIGHTS AND GUIDING PRINCIPLES UNDER ARTICLE 129-B OF THE NEW YORK EDUCATION LAW**

### **STUDENT BILL OF RIGHTS UNDER ARTICLE 129-B**

All students 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 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;
- Exercise civil rights and practice or religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

### **GUIDING PRINCIPLES REGARDING CONSENT UNDER ARTICLE 129-B**

As outlined in the Harassment, Sexual Misconduct, and Discrimination Policy as well as this addendum, the following principles should serve as guidance regarding consent:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may initially be given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.