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A. PURPOSE

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

B. POLICY STATEMENT

Nondiscrimination Statement

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

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

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

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

Compliance Statement

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

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Or

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The Dean of Academic Engagement & Administration is designated as the CIA Section 504 Coordinator, who is responsible for coordinating compliance under Section 504 of the Rehabilitation Act of 1973. This law prohibits discrimination based upon disability and requires the CIA to ensure that

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

Domestic Violence: A felony or misdemeanor crime of violence committed against a victim by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabiting with or has cohabited with the victim as a spouse or

- Not hiring or rehiring the person; and/or
- Intimidating, threatening, coercing, harassing, or otherwise mistreating the individual.

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

Sexual Assault–Non-consensual Sexual Contact: Behavior including any intentional touching of a

- Harassing victim through the internet;
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; and
- Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting their friends, family, work, or neighbors, etc.

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

Third Party: An individual who is a guest, visitor, restaurant patron, continuing education student, or any other individual on campus or participating in activities of the CIA who is not an Employee, Nonemployee Worker or Student as defined in this Policy[2].

In addition to the above definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking provided for in this policy, the definitions of these offenses, as well as statutes that contain elements of these offenses for the CIA's three domestic campuses in New York, California and Texas can be found at:
https://www.ciachef.edu/uploadedFiles/Pages/CIA_Policies/local-vawa-crime-definitions.pdf

E. REPORTING PROHIBITED CONDUCT

1. Reporting and Response

Any member of the CIA Community who believes they have been subjected to Prohibited Conduct in violation of this Policy should use one of the reporting channels outlined below to report their concerns and seek assistance from on-campus and/or off-campus resources. The Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate, will be responsible for ensuring that the appropriate procedures are followed during the investigative process. If allegations are substantiated, the CIA will take steps to prevent further Prohibited Conduct, to correct the effects of such conduct and to impose sanctions as appropriate.

All Reporters may expect:

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

[2] A visiting minor shall also be considered a Third Party under this policy and all complaints regarding minors as set forth under the CIA Protection of Minors Policy (SA-001-R-001) shall be handled through these procedures.

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

2. Conflicts of Interest

Both the Complainant and the Respondent have the right to have a fair and impartial investigation,

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

- New York campus: Counseling and Psychological Services mental health counselors, and/or Health Services providers
- California campus: mental health counselors/therapists
- Texas campus: Vice President – Strategic Initiatives & Branch Campuses (located on the Hyde Park campus)
- See the full list of SART and Confidential Resources for all campuses at https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf

or

- Off-campus in all states: rape crisis resources, and/or clergy acting in the capacity of spiritual advisor.

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

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

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

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

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

Responsible Employees are required to report any allegation of Prohibited Conduct, regardless of the wishes of the Reporter or alleged victim.

Responsible Employees who become aware of an incident of Sexual Misconduct, including Sexual

https://ciamainmenu.culinary.edu/student-services/titleIX/Documents/SART%20and%20Resource%20Contacts.pdf

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

6. Additional Measures

The CIA will also:

- Assist the Complainant in accessing other available victim advocacy, academic support, counseling, disability, and health or mental health services, as appropriate;
- Inform the Complainant of the right to report a crime to campus safety/security or local law enforcement – and provide the Complainant with assistance if requested.

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

F. INVESTIGATION AND ADJUDICATION PROCEDURES FOR COMPLAINTS OF SEXUAL HARASSMENT PROHIBITED BY TITLE IX ("Title IX DOE Grievance Process")

In May 2020, the United States Department of Education (DOE) promulgated new regulations governing Title IX. These regulations, which went into effect on August 14, 2020, mandate that the CIA adopt a specific definition of Title IX Sexual Harassment and a grievance process with respect to such conduct, as specified in the regulations. The definition of Sexual Harassment Prohibited by Title IX is narrower than the definition of sexual harassment under CIA policy and under other federal and state laws. Accordingly, conduct that does not meet the definition of Sexual Harassment Prohibited by Title IX may still violate this Policy.

If a determination is made at any stage of the process that the alleged conduct does not meet the substantive or jurisdictional definition of Sexual Harassment Prohibited by Title IX and the complaint is dismissed from this Title IX procedure, the allegations may be investigated and adjudicated under the "Procedures for Prohibited Conduct Other than Title IX Sexual Harassment" which are set forth below. In cases where allegations involving the same parties may constitute Sexual Harassment Prohibited by Title IX and other types of Prohibited Conduct, the CIA, at its discretion, may investigate and/or adjudicate those matters together under this procedure or separately with the non-Title IX Prohibited Conduct addressed under the procedure for other types of Prohibited Conduct.

Note: HSMD investigations pending before August 14, 2020, will proceed under the prior HSMD Policy and procedures. In addition, the DOE regulations do not apply to new reports of sexual harassment if the underlying conduct occurred prior to August 14, 2020.

1. Supportive Measures

Supportive measures are non-disciplinary and non-punitive services that are intended to provide support and facilitate access to the CIA's education program and activities. Complainants who report allegations that could constitute Sexual Harassment Prohibited by Title IX are entitled to receive supportive measures from the CIA regardless of whether they choose to file a Formal Complaint. These supportive measures may include, as appropriate:

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

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

Because the CIA is under a continuing obligation to address the issue of Sexual Violence campus-wide, reports of Sexual Violence (including non-identifying reports) will also prompt the CIA to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education

If the CIA determines such removal is necessary, the respondent will be provided notice and an opportunity to request review and modification of the decision immediately following the removal, as set forth above.

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

3. Formal Complaint

For the purposes of this Title IX DOE Grievance Process, "Formal Complaint" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. The Formal Complaint instead may be signed by the CIA's Title IX Coordinator, but in that case, the Title IX Coordinator is not a complainant or otherwise a party to the complaint.

To file a Formal Complaint, a complainant must allege sexual harassment against an alleged harasser and request that the CIA investigate the allegation(s). At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the CIA, including as an employee. The Formal Complaint should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s). The complaint must be in the Complainant's own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records, and the like) that the Complainant believes may be relevant to the investigation. A complaint should not be delayed if such sources of information are unknown or unavailable. The CIA reserves the right, at its sole discretion to utilize the investigation and adjudication procedures for Prohibited Conduct Other Than Title IX Sexual Harassment, below to address complaints from complainants who are not currently participating or attempting to participate in the educational programs or activities of the CIA. The Title IX Coordinator may determine a Formal Complaint is necessary even if the complainant chooses not to file the complaint, in which case the CIA will inform the Complainant of this decision in writing, and the Complainant

The Title IX Coordinator or his designee will review the Formal Complaint to determine whether the jurisdiction is appropriate under the Title IX procedure. In so doing, the Title IX Coordinator will assess whether:

- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in the CIA's education program or activity; and
- If proven, the alleged conduct would constitute Sexual Harassment Prohibited by Title IX as defined by the Department of Education.

If all of the elements are met, the CIA will investigate the allegations in accordance with the Title IX procedure. If all of the elements are not met, then the Title IX Coordinator must issue a Notice of Dismissal from the Title IX procedure. The Notice of Dismissal will be sent to the Complainant(s) and

6. Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to the Complainant(s) and Respondent(s) as soon as practicable after receiving a Formal Complaint of the allegations, absent extenuating circumstances. The notifications will be sent to the parties' institutional email accounts if they are students or employees or by other reasonable means if they are neither students nor employees.

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

The Notice of Allegations will include the following:

- Notice of the CIA's Title IX Grievance Procedure and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, including sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting Title IX sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.

7. Notice of Meetings and Interviews

The CIA will provide written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party expected to attend, with sufficient time for the party to prepare to participate.

8. Advisors of Choice

The Parties may each be accompanied during any meeting, interview, or hearing by a single advisor of their choice, who may be an attorney. Other than at the hearing, advisors may speak privately to their advisee during any such meeting or proceeding but may not present evidence or otherwise participate in the interview or meeting. During a Hearing, the advisor will be permitted to cross-examine witnesses and address the Hearing Officer in connection with that cross-examination but will not otherwise be permitted to address the Hearing Officer. A party may request a brief recess to consult with their advisor, which may be granted at the discretion of the Investigator or Hearing Officer. An advisor who is disruptive and fails to comply with the participation boundaries may be removed from any meeting, interview or hearing and may be barred from future meetings, interviews or hearing in the matter.

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

9. Voluntary Informal Resolution-Mediation

In certain circumstances, it may be possible for a Formal

allegations) as described below.

The Investigator will take the following steps:

- Thoroughly review the Complaint and all supporting documentation and evidence.
- Interview both the Complainant(s) and the Respondent(s).
- Give both parties the opportunity to identify witnesses and provide relevant documentary and physical evidence. (This may include, but is not limited to, texts, emails, photos, social media posts, voicemail messages, etc.)
- The Investigator will contact witnesses who may have relevant information and engage in good faith efforts to meet with the witnesses. If a witness is not cooperative, the Investigator will not unreasonably delay the investigation.
- The Investigator has the discretion to identify and interview witnesses who were not identified by any party.
- The Investigator has the discretion not to interview a suggested witness where none of the information the party indicates that the witness can share would be relevant in the Investigator's judgment.
- Exclude from consideration information about the romantic or sexual history of either the Complainant or the Respondent, except as to prove that someone other than the respondent committed the conduct alleged by the complainant or with respect to the parties' shared sexual history when offered to prove consent. If either party offers such information, the other will have the right to respond.
- Exclude from consideration medical records and information, including mental health history or treatment, absent a waiver from the individual who is the subject of the medical record.
- Exclude from consideration information protected under a legally recognized privilege such as the attorney-client privilege unless the person holding such privilege has waived the privilege.

Once the investigation has concluded, the Investigator, in conjunction with the Title IX Coordinator or designee, shall gather all evidence that is directly related to the allegations. Unless otherwise prohibited by law, the Title IX Coordinator or designee shall make electronic copies of the evidence available to the parties and their advisors. Given the confidential nature of the materials and proceeding, the parties and their advisors will be required to sign a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review and not to use the evidence for any purpose other than the Title IX Grievance Process. Any violation of the non-disclosure agreement may result in additional misconduct charges against a party, a report to an attorney's professional licensing board, or other legal action.

The parties may then review the information gathered. Both will have an opportunity to respond in writing to this information within ten [10] business days.

The Investigator will consider the parties' responses in completing the final investigative report, which will compile all relevant evidence. The report will be provided to the parties no later than ten business

a non-disclosure agreement not to disseminate the hearing recording or use it for any purpose other than the Title IX grievance process. Any violation of the non

involving a Student in New York, the appeal will be reviewed by a panel of three (3) persons. The appeal panel's determination need not be unanimous but, at least two of the panel members must agree on the outcome.

If the Appeals Officer or Panel (in New York State on student cases only) determines that a procedural error occurred, they may return the original Complaint to the Hearing Officer with instructions to reconvene to remedy the error. The results of a reconvened hearing cannot be appealed.

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

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

The Appeals Officer/Panel will render a written decision on the appeal to all parties within twenty-one (21) Business Days from receipt of the request for appeal. The decision on appeal, which will include the rationale for the decision, will be delivered to the parties simultaneously via their institutional email account or other reasonable means.

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

2. Conflicts of Interest

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

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

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

3. Investigative and Disciplinary Procedures

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

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

Upon receipt of a Complaint, the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate, working with theng 0.00000912 1 61.2 352.25 T20(t)-14(i)-19(o)-12(n)-14( )-293(A)

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

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

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

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

If the Complainant or the student R

request a hearing or appeal.

Where the Respondent or Complainant has rejected the findings of the investigation (in whole or in part), a Hearing Officer[4] will be appointed by the Title IX and Age Discrimination Act Coordinator or 504 Coordinator as appropriate. The Hearing Officer will be charged with making a final ruling following the Hearing on the basis of the preponderance of the evidence. Such ruling shall be subject to appeal as outlined within this Policy.

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

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

Through the hearing process, the parties will be provided:

- The opportunity to meet with the Hearing Officer to address the Investigator's findings and to speak and present evidence on their own behalf;
- The opportunity to be accompanied by an advisor or support person. In cases of Sexual Violence, the advisor can be an attorney; in all other cases, Employees (faculty and staff) are limited to advisors from the CIA Community;
- The opportunity to identify witnesses to the Hearing Officer who can speak about the alleged conduct at issue[5]; and
- The opportunity to raise issues and/or questions for the Hearing Officer to consider and/or to review with the Investigators, the Complainant, or other witnesses.
- The opportunity to present an impact statement.

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

[4] Or Hearing Panel, as appropriate in California.

[5] In California Only: Prior to the hearing, the parties will have an opportunity to suggest witnesses and propose questions. During the hearing, the parties will have a further opportunity to submit additional questions based upon the testimony given by the witness at the hearing. The parties are not, however, permitted to question each other or any other witnesses directly. The panel has the discretion to determine which witnesses to call and to revise and/or decide not to ask proposed questions. The panel will not ask any questions that it deems harassing, abusive, outside the scope of the relevant inquiry or otherwise impermissible under the policy. The panel will not hear character testimony.

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

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

4. Appeals

If a Respondent or Complainant does not accept the findings of the Hearing Officer, the party may request an appeal through the following procedures. The request for appeal must be submitted within five (5) Business Days of receipt of the Hearing Officer' receipt of t [illegible] he Hearing Y [illegible]

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

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

In cases of Sexual Violence, if neither party submits a written appeal within five (5) Business Days of

d. Probation: Probation for a designated time may be assigned. Probation may include specific directives that the Student is instructed to follow, a warning that additional sanctions may be assigned for further violations, and a signed behavioral contract agreement. An accumulation of nine (9) demerits will result in a period of probation.
e. Loss of Privileges: There may be a denial of specified privileges for a designated period of time. This includes, but is not limited to, any and all privileges pertaining to campus housing, operating and parking motor vehicles, campus visitation, student employment, or use of any campus facility or service.
f. Fines: Fines may be assessed. The amount will reflect the degree of seriousness of the violation. All fines are considered legitimate debts to the CIA, and non-payment may result in any of the stated penalties, discontinuation of classes, and/or not attending the commencement ceremony, not receiving the diploma, and/or not receiving copies of student transcripts and records.
g. Restitution: Compensation for loss, damage, or injury may be required. This may take the form of appropriate service and/or monetary payment or material replacement.
h. Community Restitution: Work assignments for a specified number of hours may be given to provide a useful service to the college or local community.
i. Residence Hall Suspension: There may be a separation of the Student from the residence halls for a defined period of time. Students with serious disciplinary records are not permitted to reside in or visit residence halls as deemed appropriate.
j. Loss of Housing: Permanent separation of the Student from the residence halls may occur. Students expelled from the residence halls are not allowed to visit the residence halls or the grounds adjacent to them.
k. Completion of an Alcohol Education or Rehabilitation Program: Successful completion of an approved alcohol or substance abuse rehabilitation or educational program may be required as a condition for continued matriculation if the violation(s) involves alcohol, illegal drugs, or the abuse or misuse of any legal drugs. The CIA may require drug testing by a treatment facility.
l. Required Assessment or Educational Sessions: A completed assessment or educational session by a licensed counselor or medical doctor may be required for Students exhibiting behavioral concerns that compromise the safety of oneself or others.
m. Involuntary Separation: Significant concerns regarding health and wellness may require the college to place a Student on an involuntary withdrawal or leave of absence, per college policy, until said concern is addressed.
n. Suspension: Suspension from the CIA is often for fifteen (15) weeks to one year but may be for lesser or greater periods of time. Suspension may take effect immediately and includes suspension from classes, residence halls, and all campus visitations, unless specifically authorized. Any Student arrested by the civil authorities and charged with a felony may be immediately suspended from classes, pending further decision by the CIA. Suspension may result in the same loss of privileges as listed under Article III, Section B (1)(c): "Demerits" of the Student Code of Conduct.
o. Expulsion: Permanent separation of the Student from the CIA. Note: prior to June 1, 2016, disciplinary "Dismissal" is equivalent to "Expulsion."
p. No Contact Orders: No Contact Orders (NCOs) are temporary directives issued by a conduct officer prohibiting communication between or among designated Students when, in the judgment of the CIA, there is reason to believe that such an order would be in the best interest of all parties. NCOs prohibit all forms of communication between Students: direct or indirect, written, electronic, or through a third party. NCOs are not similar to court-imposed orders of protection

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

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

I. RESPONSIBLE CABINET MEMBERS

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

J. RELATED MATERIALS

Bystander Intervention; Evidence Preservation; Risk Reduction and Sexual Assault Prevention, Education and Training information at: https://www.ciachef.edu/harassment-policy/
The CIA Americans with Disabilities Act/504 Compliance Policy
The CIA Computer and Network Usage Policy
The CIA Employee Handbook
The CIA Fraternization Policy
The CIA Protection of Minors Policy
The CIA Student Code of Conduct
The CIA Transcript Notation Policy
The CIA Whistleblower Policy

K. POLICY HISTORY

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Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed: 10/23/2018; 9/26/19 (Date)

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

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Board Approval to Proceed (if required), Date

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Cabinet Approval to Proceed: 8/1/2019; 9/26/19; 9/29/20; 11/10/21

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Policy Revision Dates: 11/3/2015; 11/15/2016; 6/18/2018. Previous Addendum: 10/8/15; 6/9/2016; 9/23/2016. Further revised: 9/12/2019 (minor changes not requiring Cabinet approval). 9/29/20 (Federal Title IX Update); 11/10/21 (Federal Title IX Update); 1/28/22 (minor change not requiring Cabinet approval); 09/30/2022 (minor change not requiring Cabinet approval).

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Scheduled Review Date: upon change in legislation requiring updates.

Appendix I

Additional

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the institution's disciplinary process regarding the incident of sexual harassment, sexual assault, dating violence, or stalking, if any.

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

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

For all campuses, the following rights will be afforded:

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

- Privacy, including in accordance with the Family Educational Rights and Privacy Act (FERPA) (for Students only), subject to the CIA's legal obligation to investigate, remedy and address Sexual Misconduct on campus. The CIA will make all reasonable efforts to ensure the preservation of privacy, restricting information to those with a legitimate need to know;
- A prompt and thorough investigation and appropriate resolution of all credible complaints of sexual misconduct;
- Be treated with dignity and respect throughout the process;
- Receive in writing information regarding how to access available resources, such as

- Receive timely information regarding the status of the process, including notice of any significant delay and the reason for such delay;
- Receive assistance by the CIA/Campus Safety to obtain transportation and or escort Students to and from classes, vehicles, residence halls, medical appointments, counseling sessions, legal advising sessions, etc.;
- Appeal the outcome and/or sanction(s) in accordance with the process outlined in this Policy;
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- Appeal the outcome and/or sanction(s) in accordance with the process outlined in this Policy;
- Know that a determination as to whether a violation of this Policy occurred will be based on the preponderance of evidence standard (more likely than not);
- Be given a copy of these rights when you are notified of the complaint.

VI. For New York State Only

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

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

VII. Special Provisions for CIA Employees and Nonemployee Workers in New York State Pursuant to the New York State Human Rights Law

New York State law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace from sexual harassment in the workplace. Local laws may apply as well.

A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, visitor, or student. In addition to being prohibited by this Policy, sexual harassment is against the law, and individuals who engage in harassing behavior may be subject to personal liability in a civil lawsuit.

The CIA is committed to responding quickly and effectively to any internal report of sexual harassment and encourages Employees and Nonemployee Workers to come forward and allow u