

Article III: Student Conduct Processes

A. Charges and Hearings

1. Any member of the CIA community may file charges against any student for misconduct. Charges will be prepared in writing and directed to an appropriate CIA official/conduct officer. Any charge should be submitted within 30 calendar days of CIA awareness and/or discovery of the alleged violation, exclusive of holidays. This time limit does not apply to charges that result from criminal charges that are filed by off-campus law enforcement authorities or if existing laws prohibit this time limit.
2. An assigned conduct officer will direct an investigation to determine whether the charges merit sanctions. The finding of violations is rendered on the basis of a more likely than not, or preponderance of evidence, where a reasonable belief exists that a violation has occurred and is deemed sufficient to issue sanctions. If this is found to be the case, the conduct officer will issue a finding and/or sanction. The college does not operate under the auspices of "beyond a reasonable doubt." This legal precept is reserved for the criminal courts of the local, state, and federal judicial systems. No college official may promise that a sanction will be reduced or modified if a student cooperates with the official or provides any additional information when asked. Cooperation from students is expected. Disciplinary sanctions are issued according to the particular violation, severity, and past practice. All decisions related to a charge or charges against a student will be presented to the accused student in writing. At any point within the investigation, if additional information arises which results in new charges and/or modification to sanctions, students will be made aware in writing
3. Appeals
 1. A decision reached by a conduct officer may be appealed by the adjudged student(s) within three business days, exclusive of holidays or breaks, of the issuance of the sanction. Such appeals must be submitted in writing.
 2. An appeal officer(s) will decide whether an appeal will be granted. If the appeal is not granted, the student can take no further action to amend the sanction unless the sanction includes loss of campus housing, suspension, or expulsion from the college. In such cases only, the student may file a written appeal of the appeal officer(s) recommendation to the associate vice president and dean of student affairs in New York or designee, the final step in the appeal process.
 3. There are three justifications upon which an appeal will be considered. If a student fails to justify the appeal, it may be denied without review. An appeal officer(s) will decide whether or not one or more of these criteria have been met:
 1. The decision reached regarding the adjudged student was based on substantial evidence, that is, whether the facts of the case were sufficient to establish that a violation of this code occurred and the adjudged student committed the violation.
 2. The procedures were properly followed.
 3. New evidence is available to alter the original determination.
 4. If an appeal request is accepted by the original conduct officer, a student(s) will be notified of the date, time, and place of the scheduled appeal proceeding. If the student fails to appear, the evidence in support of the findings will be presented, considered, and adjudicated in the student's absence.
 5. Written warnings, residence hall closing violations, announced room inspections, and administratively issued demerits for not completing a required educational program cannot be appealed.
4. An appeal officer is empowered to recommend to the original conduct officer, or the supervisor of the original conduct officer, the elimination or alteration of the findings and/or sanctions previously decided. The supervisor or conduct officer will review the recommendation(s) made by the appeal officer and either uphold the findings and/ or sanctions, or make changes. Any amended findings and/or sanctions will be sent to the student appellant in writing.

5. An appeal proceeding will be conducted by an appeal officer and/or the associate vice president and dean of student affairs or designee according to the following guidelines:
 1. Unless otherwise provided in this code, an appeal proceeding will be conducted in private. No one outside the appeal officer or board, with the exception of a faculty, staff, or student observer, will be allowed to be present at the hearing without the consent of the appeal officer. No one may inspect the records of the appeal officer. The presence of an observer is a courtesy extended by the appeal officer at the request of the adjudged student. Therefore, it is not mandatory that an observer attends an appeal proceeding. The observer will be allowed to ask questions for clarification purposes only but will not be allowed to participate in appeal deliberations.
 2. At an appeal proceeding involving more than one adjudged student, the appeal officer, at his or her discretion, may conduct the proceeding concerning each of the students separately.
 3. The adjudged may have access to evidence, upon review of the CIA, that supports the charges and conduct officer's findings as long as personally identifiable information of other students is not compromised.
 4. The adjudged has the right to be accompanied by an advisor, at his or her own expense. The adjudged is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any proceeding before an appeal officer(s). Attorneys are only permitted to serve in the role of advisor when the charge is related to a criminal charge filed against the accused student.
 5. The adjudged will have the opportunity to challenge any appeal officer prior to the commencement of the proceeding whom the adjudged believes may be prejudiced about his or her case.
 6. The adjudged will have the right to present witnesses, subject to interview and/or discretion of an appeal officer(s).
 7. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by an appeal officer.
 8. All procedural questions are subject to the final decision of the assigned appeal officer.
 9. After the appeal proceeding, an appeal officer(s) will determine, by majority vote if applicable, to uphold the conduct officer's findings or recommend a modification to those findings.
6. Any record, written or otherwise, of the appeal proceeding is considered sole property of The Culinary Institute of America.
7. An adjudged student will be presented with the outcome of the appeal in writing.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated this code or as an interim measure pending the outcome of any charge(s) brought pursuant to this code. Any combination of sanctions listed in this section may be imposed for any single violation.
 1. **Verbal Warning:** A verbal warning may occasionally be given to allow a student to correct a violation in a timely manner.
 2. **Written Warning:** A notice in writing informing a student that the student is violating or has violated college regulations, and warning that repeat violations will result in more severe disciplinary sanctions.
 3. **Demerits:** One to 12 demerits may be assessed for verified violations of this code. A student is subject to suspension or expulsion from the CIA for an accumulation of 12 demerits within a 12-month period. Demerits may disqualify a student from becoming a resident assistant, participating in the Manager-in-Training (MIT) program, living in specific residence halls, participating in intercollegiate athletics, or holding certain student offices.
 4. **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 demerits will result in a period of probation.

5. **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.
6. **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, dis-continuation of classes, and/or not attending the commencement ceremony, not receiving the diploma, and/or not receiving copies of student transcripts and records.
7. **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.
8. **Community Restitution:** Work assignments for a specified number of hours may be given to provide a useful service to the college or local community.
9. **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.
10. **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.
11. **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.
12. **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.
13. **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.
14. **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 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".
15. **Expulsion:** Permanent separation of the student from the CIA. Note: prior to June 1, 2016, disciplinary "Dismissal" is equivalent to "Expulsion".
16. **No Contact Orders:** No Contact Orders (NCOs) are temporary directives issued by a conduct officer prohibiting communication between or among designated students when, in the judgment of the CIA, there is reason to believe that such an order would be in the best interest of all parties. NCOs prohibit all forms of communication between students: direct or indirect, written, electronic, or through a third party. NCOs are not similar to court-imposed orders of protection and do not guarantee that designated parties will avoid sightings or interactions in class, on the campus, or in the local community. In some circumstances, an NCO may restrict a student from parts of the campus where the student would not have to engage in required academic activities. Measures may be enacted to prevent or limit contact between designated students.
17. **No Trespass or Persona Non Grata Order:** An official notification that an individual is not permitted on The Culinary Institute of America property or campus. This directive includes all campus buildings, grounds, parking lots, and roads. If violated, law enforcement will be notified and the individual may face charges of criminal trespass pursuant to state law. This notice shall remain in effect for a specific time period at the discretion of the conduct officer.

18. **Registration Hold:** A restriction placed on a student's account that prevents future registration for classes until other sanctions or requirements are met.
2. Following are those sanctions that may be imposed upon groups or organizations:
 1. Those sanctions listed above in Article III, Section B (1) (a, b, d, e, g, h, n, o)
 2. Deactivation: loss of all privileges, including CIA recognition, for a specified period of time
3. NOTE: Other than suspension or expulsion from the CIA, disciplinary sanctions will not be made part of the student's permanent academic record. All disciplinary sanctions, however, are a part of the student's confidential record maintained electronically with final oversight by the associate vice president and dean of student affairs. After a period of six years from the student's date of last enrollment in any degree program, all sanctions—except loss of campus housing, suspension, and expulsion from the college—are removed from the confidential record.

C. Immediate or Interim Suspension or Expulsion

Under the following circumstances, the associate vice president and dean of student affairs or designated conduct officer may impose an immediate or interim CIA suspension, expulsion, residence hall suspension, or loss of housing.

1. Immediate or interim suspension or expulsion may be imposed only:
 1. To ensure the safety and well-being of members of the college community or preservation of property
 2. To ensure a student's physical or emotional safety and well-being
 3. If a student poses a threat of disruption to, or interference with, the normal operations of the college
 4. If a student has additional violations of this code while engaged in the appeal process for an earlier sanction of loss of housing, suspension, or expulsion.
2. During a suspension or following an expulsion, students will be denied access to the residence halls, the campus (including classes), and/or all other CIA activities or privileges for which the student might otherwise be eligible, as a CIA official may determine to be appropriate.