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Annual Security Report

Safety and Security Department
The primary responsibility of the Safety and Security Department is to ensure the safety and security of the students, faculty, staff and visitors of the University. Pace University provides a 24 hours a day, 365 day per year security presence on each campus. There is a supervisor on duty at all times in addition to fixed and patrol assignments. All uniformed security personnel are contracted through Winfield Security Corporation and receive mandatory pre-employment training in accordance with state laws. They also receive additional in-service training on a monthly basis. Security officers respond to an array of situations during their tour of duty. These may include, but are not limited to, medical emergencies, fire or intrusion alarms and service calls. Security officers also prepare incident reports and refer matters to other Pace departments or local law enforcement and outside agencies, as necessary. Additional information about the University Safety and Security Department, including the scope of its enforcement authority, is also covered in the “Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) and Missing Students Reports”.

In addition to the contracted security officers, there is a full-time cadre of Pace personnel. This staff consists of the University Executive Director of Safety and Security, an Associate Director of Safety and Security, Assistant Director of Security, a University Emergency Manager/Fire Safety Supervisor, a Director of Emergency Planning and Environmental Health & Safety, six Security Coordinators, an Administrative Assistant, two Locksmiths and a Traffic Coordinator.

None of the above personnel are police officers, nor have they the power of arrest beyond that of every citizen. The security department does however maintain a close relationship with the local police department with jurisdiction for each campus. In appropriate cases – where a crime has been committed – we strongly recommend that the victim report the incident to the proper police authority as well as to the University. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Pace University has established the President’s Advisory Committee on Campus Security. The committee reviews current campus security policies and procedures and makes recommendations for their improvement. The committee reports in writing to the president on its findings and recommendations at least once each academic year; the report also with all campus crime statistics as reported to the United States Department of Education is available upon request.

Security as a Cooperative Effort
Although the security department’s principal function is the safety and security of all in the Pace community, no program can be completed successfully without the full cooperation of the students, faculty and staff.
As statistics have indicated, incidents of serious crime on campus are rare. However, minor crimes such as crimes of opportunity do occur. All students, faculty, staff and visitors must assume primary responsibility for their personal safety and the security of their personal belongings. Precautionary measures are the key; therefore the following rules are important:

- Never prop open the doors to residence halls.
- Dorm/office doors should be locked whenever left unattended, even for a short time.
- Ask visitors for identification before allowing them into a building or room.
- Do not lend your keys. Carry them at all times.
- Keep your car locked and park it in a well-lit area.
- Do not leave valuables visible.
- If you see people that look suspicious, report them to the security department.
- If you leave valuables in an unattended locker, be sure to lock it.
- Do not leave valuables unattended in a purse, backpack or on a chair not directly in your view. This applies particularly to visits to the library, cafeteria or computer lab.

**Other Important Safety Tips**

**Safety on Campus:**
- When in the library and study hall, eating facilities, gym/workout areas, etc. keep wallets, cell phones and laptops with you. These are the type of property that are commonly reported stolen. Crimes of Opportunity can be minimized by safeguarding your property. Buy a laptop security cable and use it.
- In your residence always close and lock your door even if leave for just a minute. Insist your roommate(s) do the same.
- Establish rules with your roommate(s) regarding visitors (above and beyond Pace University Housing rules).
- Be wary of people striking up a conversation with you on the street. Be especially aware of people looking for a place to stay even if they seem very nice and harmless.
- Lock and secure all valuables in your vehicle.

**Safety in the City:**
- Pace University students are statistically safer than the average city residents, who are safer than most other large city residents. However, this is a major city and is not without its crime.
- Students need to be aware of their surroundings, walk with a positive bearing.
- Trust your instincts; if a situation makes you feel uncomfortable get away as quickly as possible, make casual eye contact with the person making you feel uncomfortable just to let them know you are aware of their presence.
- Travel in groups of two or more (the buddy system).
- Let a roommate or friend know where you are going and when you plan on returning.
- Be aware of pickpocket situations — crowded areas e.g. subways.
- Use Gear Guards to protect pack backs etc.
- Men - carry wallets in front pants pocket.
- Women - use bags, pocketbooks etc. that zipper well; keep pocketbooks on your lap when in restaurants etc. Avoid the backs of chairs or under the table, carry your bag close to your body, tucked in the bend of your elbow. Avoid bags that clasp/snap shut.
- Beware of scam artists offering big returns for little or no money (often referred to as good faith money). If it seems too good to be true - IT IS.
- The best time to use ATMs is during the daylight hours.
- Avoid carrying large amounts of cash; avoid counting or displaying money on the street. Minimize the number of credit cards carried.
- Carry money for emergencies e.g. cab fare, quarters for phone calls.
- When traveling plan your route ahead of time, know how to get to where you are going.
- Subway stops with lit green globes are open 24 hours a day, red globes means entry is closed, red over white coloring is a metro-card only entrance. It is always a good idea to have a metro-card with a sufficient balance.
- On subways — where possible stay in the token booth area until your train arrives.
- On the platform — look for a black and white striped board. That is where the car with the conductor will stop. You can also ride in the first car where the train operator is located.
- When entering a subway car look around. Does anyone make you feel uneasy? If so, move. Try sitting in the middle of the seat away from the doorway.
- Keep chains and jewelry hidden. Turn gemstones in toward your palms.
- On the street — Travel well-lit and populated areas. Avoid "short cuts." If you must travel alone late at night call someone at your destination to let them know you are coming and how long it will take you to arrive.
- If a car approaches you and asks for directions, speak with the occupants at a safe distance no matter what.
- If you feel you are being followed cross the street, if that person follows you again, re-cross the street. Still being followed look for an open store etc., begin to run call out "FIRE!!", or call out to someone on the street as if you know them.

**Safety if you’re Going Out to a Bar or Club:**
- Don’t go out alone. Go out in groups of 2 or more and travel in well-lit, populated streets.
- Tell your friends/roommates if you’re leaving, with whom, where you’re planning to go and when you’ll see them back at home.
- Don’t accept open drinks (alcoholic or non-alcoholic) from others who you do not know or do not trust; this includes drinks that come in a glass.
- Never leave your drink unattended or turn your back on your table.
- Don’t drink from open beverage sources like punch bowls, pitchers or tubs.
- Keep your eyes and ears open; if friends appear to be "too intoxicated" for what they have consumed, leave the party or club immediately, and return home or seek medical attention. Do not return to the club or party!
- Be alert and aware of your surroundings at all times.
- Know where you need to go and the safest way to get there.
- Trust your instincts: If you sense something is wrong, get away from the situation.
Important Contact Information

Safety and Security Offices

New York City Campus
One Pace Plaza, B-Level
New York, NY 10038
(212) 346-1800 (Open 24 hours a day)

Pleasantville Campus
Alumni Hall
861 Bedford Road
Pleasantville, NY 10570
(914) 773-3400 (Open 24 hours a day)

Gannett House - Administrative Office
861 Bedford Road
Pleasantville, NY 15070
(914) 773-3700 (Mon - Fri 9am-5pm)

Briarcliff Campus
Dow Hall
235 Elm Road
Briarcliff Manor, NY 10510
(914) 923-2700 (Open 24 hours a day)

White Plains School of Law
Preston Hall, 1st floor
78 North Broadway
White Plains, NY 10603
(914) 422-4111 (Open 24 hours a day)

Dean for Students Office

New York City Campuses
41 Park Row
New York, NY 10038
(212) 346-1306

Westchester Campuses
Kessel Student Center
861 Bedford Road
Pleasantville, NY 10570
(914) 773-3351

School of Law
Aloysia Hall
78 North Broadway
White Plains, NY 10603
(914) 422-4146

University Health Care

New York Campuses
41 Park Row, Suite 313
New York, 10038
(212) 346-1600
Spring/Fall: Monday- Friday 8am to 6pm,
Winter/Summer: Monday-Friday 9am to 5pm, Closed Weekends

Westchester Campuses
Goldstein Fitness Center, Room 125
861 Bedford Road
Pleasantville, New York 10570
(914) 773-3760
Monday-Friday 9am to 5pm, Closed Weekends, Hours can be subject to change

New York City Campuses
156 William Street, 8th Floor
New York, NY 10038
(212) 346-152
Office Hours: Monday-Friday 9am to 5pm

Westchester Campuses
Administration Center, 2nd Floor,
861 Bedford Road,
Pleasantville, NY 10570
(914) 773-3710
Office Hours: Monday-Friday 9am to 5pm
Crime Statistics

The Clery Act
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, requires colleges and universities to, among other things:

- Publish an annual report every year by October 1 that contains campus crime statistics for crimes occurring on or within the University’s Clery geography for the previous three calendar years and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities”;
- Provide “timely warning” notices of those crimes that have occurred and pose a serious or ongoing “threat to students and employees”;
- Implement emergency notification procedures if there is an immediate threat to the health or safety of students or employees on campus; and
- Disclose in a public crime log “any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”.

Our compliance with Clery Act requirements does not constitute a violation of FERPA.

Preparation and Disclosure of Crime Statistics
Pace University Safety and Security Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies surrounding our campuses, student life, residential life and general counsel. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to the Pace University Safety and Security Department, designated campus officials (known as Campus Security Authorities)—including, but not limited to, student life, residence life, judicial affairs, faculty advisors to students and student organizations and extracurricular activities, and athletic coaches—and local law enforcement agencies. The University requests crime statistics from such local law enforcement agencies for crimes that occur on campus property, non-campus property, and public property, and the statistics received in response to such requests are recorded in the University’s crime statistics. These statistics may also include crimes that have occurred in private residences or businesses which are not required to be included by law. New York State Penal Law Section 265.25 and the New York State Education Department requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at University Health Care) when they provide medical services to a person they
know or reasonably suspects is suffering from wounds inflicted by a firearm or is a result of assaultive or abusive conduct; and the University Counseling Center staff inform their clients of the procedures to report crime to the Safety and Security Department on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Copies of this report may be obtained at the Safety and Security Office on all campuses. Crime statistics for the University can be found on the Safety and Security website (http://www.pace.edu/general-services/safety-security/campus-statistics) as well as the U.S. Department of Education Web site at http://ope.ed.gov/campussafety/#/.

Crime Statistics Reported by Location

<table>
<thead>
<tr>
<th>New York City Campus</th>
<th>On-Campus</th>
<th>On-Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
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<tr>
<td><strong>Hate Crimes</strong></td>
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<td>There were no reported hate crimes for the years 2013, 2014 and 2015.</td>
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### Pleasantville/Briarcliff, NY Campus

<table>
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<tr>
<th>Crime</th>
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<th>On-Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
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<tr>
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<tr>
<td>Robbery</td>
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</table>
### Definitions for Crime Statistics

- **Criminal Homicide - Murder and Non-Negligent Manslaughter**: The willful (non-negligent) killing of one human being by another.
- **Criminal Homicide - Negligent Manslaughter**: The killing of another person through gross negligence.
- **Sex Offenses**: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent.

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### Crime Statistics

#### White Plains, NY Campuses

<table>
<thead>
<tr>
<th>Crime</th>
<th>On-Campus</th>
<th>On-Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
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<td>Criminal Homicide</td>
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<td>Disciplinary Referrals for Drug Abuse Violations</td>
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<td>Disciplinary Referrals for Liquor Law Violations</td>
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- **Robbery**: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

- **Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

- **Burglary**: The unlawful entry of a structure to commit a felony or theft.

- **Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle. A motor vehicle is a self-propelled vehicle that runs on the surface of land, and not on rails, which includes automobiles, buses, recreational vehicles, trucks, motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, golf carts, and motorized wheelchairs.

- **Arson**: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

- **Hate Crimes**: A “hate crime” is a crime committed against a person or property that is reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. “Bias” is a preformed negative opinion or attitude toward a group of persons. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The law requires the release of statistics by category of prejudice for the crimes listed below where the victim is selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, or disability of the victim. These include all the crimes listed above and the following:

  - **Larceny/Theft (Except Motor Vehicle Theft)**: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person. “Constructive possession” is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

  - **Simple Assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

  - **Intimidation**: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

  - **Damage/Vandalism of Property**: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
• **Domestic Violence:** Domestic violence refers to a felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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 in which the crime of violence occurred.

• **Dating Violence:** Dating violence refers to physical violence (e.g., hitting, punching, kicking, etc.), or threats of violence, including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

• **Stalking:** Stalking is 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 behavior includes but is not limited to repeated, intentional following or observing another; using “spyware” or other electronic means to gain impermissible access to a person’s private information; persistent, unwanted and repeated harassing behavior such as: following a person; appearing at a person’s home, class or work; making frequent phone calls, emails, text messages, etc.; continuing to contact a person after receiving requests not to; leaving written messages, objects or unwanted gifts; vandalizing a person’s property; and threatening, intimidating, obscene or intrusive behavior.

• **Liquor Law Violations:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

• **Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

• **Weapons Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Crime Logs**
The University maintains daily campus crime logs as required on each campus in the campus security office. The daily crime log includes the nature, date, time and general location of each crime reported, as well as the disposition of the complaint, if known. However, if there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection,
or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information. Additional information may be requested from the Executive Director’s office at 914-773-3700.

**Safety on Campus**

**Campus and Residence Hall Security Measures**

Each campus has an individual security system designed to meet its unique needs.

Upon entering the buildings on the New York campus and White Plains Graduate Center, the Pace University ID card must be displayed to the security officer and worn on the outermost garment. Temporary ID’s will be issued to those individuals who do not have their ID cards or persons exhibiting a valid reason to enter the building.

In New York City, a separate form of identification must be acquired to enter the residence halls. In addition, common areas are monitored by a closed-circuit television (CCTV) and alarm system. Hallway doors on the dormitory floors now have programmable access card readers allowing resident students to use their Pace ID card. Doors that are propped open will be investigated by a uniformed campus security officer.

Dannat Hall in White Plains has a card access system and electromagnetic locks on all building exit doors. These locks allow for immediate emergency egress whenever the building fire alarm is activated. The building entrance lobby is monitored by CCTV cameras and Residential Life personnel.

The front doors of all other Westchester dormitories have CCTV cameras that are linked to digital video recorders. If a door is left open for more than 30 seconds, a local siren sounds. All of these systems are monitored at the Pleasantville/Briarcliff campus security office, which dispatches security personnel when necessary.

While cars are allowed on the Pleasantville campus unchallenged during business hours, drivers of all vehicles without Pace parking decals are required to produce identification after hours. Occupants of all vehicles must also show ID’s and non-Pace individuals are required to leave their ID’s at the booth.

Persons entering the Briarcliff campus are required to produce identification at all times. The front doors to all residence halls are kept locked at all times and there are electromagnetic door locks on side and rear doors of four dormitories.

Blue Light emergency phones have been installed in key locations on the Westchester campuses. These phones offer immediate connection to campus security and activate a blue light on top of the unit to draw attention to the area.
For all campuses, security officers conduct mobile and foot patrols throughout the day to look for potential fire/safety hazards. These hazards may include but are not limited to: slippery floors caused by oil, grease or other substances, unlit hallways or outside lighting conditions, emergency doors blocked or malfunctioning, debris or other material blocking passageways, icy conditions on roadways or walkways, and broken steps or walkways. If any hazardous conditions are found, the security officer will report the condition to the Dispatcher or Supervisor who will work with the Physical Plant department to fix the hazardous conditions. Additionally, during the academic year, the Directors of Facilities Management, Housing, Residence Life, Campus Security, and Maintenance meet to discuss issues of pressing concern.

Crime Prevention and Security Awareness Programs
A major portion of the University Crime Prevention and Security Awareness Program consists of presentations made to various groups on campus. Presentations are made by Pace University Safety and Security staff members at student orientations, “Week of Welcome” programing at the beginning of each semester as well as a presentation for parents of incoming freshman during family orientation. All new employees are required to take an online sexual harassment training. They must also attend a New Employee Orientation that reviews the policies of the University as well as basic security requirements such as photo I.D. cards and parking decals.

Periodically during the academic year, at the request and in cooperation with other university organizations and departments, the Safety and Security Staff presents crime prevention awareness sessions on active shooter guidelines, sexual assault, theft, and vandalism, as well as educational sessions on personal safety and residence hall security. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

Below are other programs, trainings and materials that are provided on campus but not limited to:

- **Step up! Creating a Caring Environment** - Pace University provides bystander intervention training. The “Step Up! Be a Leader, Make a Difference” program was developed by national experts at the University of Arizona and the National Collegiate Athletic Association. Bystander intervention makes the prevention of sexual assault a shared responsibility. Furthermore, bystander intervention training increases the likelihood that individuals will help someone who could become the victim of a sexual assault.

- **Behind Closed Doors (Summer Trainings)** - This national training program focuses on real life situations that Orientation Leaders and residential life staff could experience during their time in the position. Multiple scenes involve sexual assault, domestic violence, and rape of students from various genders and sexual orientations.

- Pace University participate in national campaigns, including “Take Back the Night” and “It’s on Us” campaigns.

- Pace has also designed and dedicated an entire website to Sexual-Assault Resources (www.pace.edu/sexual-assault). This website serves as a one-stop shop for
information pertaining to policies, procedures on sexual assault, including but not limited to, reporting, emergency services and follow-up care. Around-the-clock services are provided to sexual assault victims, through the local community services, i.e. Victims Assistance Services-WEST and SAVI-NYC.

- Pace has published and widely distributed a Guide to Options, Resources and Support providing a hard-copy resource to students regarding sexual assault awareness, resources – including two apps – Just in Case and “Circle of 6”, putting vital information and support options at our students’ fingertips with QR codes they can scan with their cell phone.
- University-wide trainings have been provided to all residential life staff, (including RAs, and professional staff,) Security, Athletes and Coaches, as well as Student Affairs professional staff. These were presented by the Mount Sinai Sexual Assault and Violence Intervention (SAVI) program.

In addition to presentations, all the information is provided to students and employees through crime prevention awareness packets, the safety and security website, posters, and in the schools newspaper.

Members of the community are notified when certain crimes have been committed in order to heighten awareness of crime prevention measures. Notifications are sent out via security alerts through the University's electronic mail system or in emergency situations through the Pace University Emergency Alert System.

**Reporting Crime on Campus**

Any violation of campus regulations or a criminal act, including, but not limited to, domestic violence, dating violence and stalking incidents or information which constitutes or may constitute a serious or continuing threat to the campus community should be reported immediately to the University Safety and Security Department either in person or by the phone (see Safety and Security Locations and Phone numbers below). Blue Light emergency telephones which are located throughout campus at strategic locations. (ie: near residential halls, in parking lots and other active buildings) may also be used for this purpose.

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<tr>
<th>Safety and Security Offices</th>
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<tr>
<td><strong>New York City Campus</strong></td>
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<tr>
<td>One Pace Plaza, B-Level</td>
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<td>(212) 346-1800</td>
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<td><strong>Briarcliff Campus</strong></td>
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<tr>
<td>Dow Hall</td>
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<td>(914) 923-2700</td>
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An officer or supervisor will document the incident. Many of these incidents will be followed up by a Pace Security Coordinator. Also, the University encourages accurate and prompt reporting
of crimes be reported to local law enforcement. The emergency telephone number for the New York City, White Plains, Pleasantville and Briarcliff police departments is 911. Remember, security is everyone’s business.

**Confidential Reporting**

Pace University encourages accurate and prompt reporting by victims of and witnesses to all criminal offenses to the Safety and Security Department and to local law enforcement agencies. The University recognizes that confidentiality is important, particularly to victims of sex crimes, stalking and domestic/intimate partner violence. As set forth in the University’s Sex-Based Misconduct Policy and Procedure (online at [https://www.pace.edu/sites/default/files/files/SexualMisconductPolicy/SexualMisconductPolicy.pdf](https://www.pace.edu/sites/default/files/files/SexualMisconductPolicy/SexualMisconductPolicy.pdf)), if the victim seeks counseling from a licensed medical professional (for example, a Nurse Practitioner at the University’s Health Care Unit or a staff psychologist at a Pace Counseling Center) or from a Pastoral Counselor at the University’s Center for Spiritual Development in Pleasantville or from the Pace Woman’s Justice Center Helpline, those communications will be confidential. The University encourages victims in all circumstances to seek counseling in order to confidentially discuss her/his options and to begin recovery. In addition to providing confidential assistance to victims and witnesses, those Confidential Reporting resources may, as they deem appropriate, inform the persons they are counseling of procedures to report crimes on a voluntary confidential basis for inclusion in the University’s annual disclosure of crime statistics. Information shared with other University representatives (for example, Security personnel, Deans for Students, Residence Hall Directors and Assistants, Human Resources staff and University administrators) is not confidential. However, while the confidentiality of those communications cannot be guaranteed, every effort will be made to maintain confidentiality on a “need to know” basis. Generally, the wishes of a victim not to report a sexual assault or incident of stalking or domestic/intimate partner violence to the police will prevail, though the University reserves the right to notify the police when it believes that such reporting is necessary for the protection of the University community or otherwise comply with its legal obligations. In addition, and notwithstanding the desire or a request for confidentiality, the University must adhere to legal mandates which may compel disclosure, such as the Campus Security Act, which requires the University to issue campus-wide security alerts and make an annual report documenting the occurrence of violent crimes on campus, including sexual assault, and Section 6434 of the New York State Education Law which requires the University to notify law enforcement within 24 hours after receipt of a report of a violent felony (subject to the rights of sexual assault victims under federal law to decide whether or not to report such incidents to law enforcement). However, these alerts and reports do not include any information identifying the individuals (including the victims) linked to these crimes.

**Emergency Response and Evacuation Procedures**

The health and safety of all our students, faculty, administration, staff, and visitors is our primary concern at Pace University. While the likelihood of a major emergency situation is remote, Pace recognizes the critical importance of being prepared and has designed a comprehensive program that ensures the security of the University community in the event of a
significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees or other crisis.

The University’s emergency planning programs are in place to effectively prepare for and respond to several different types of incidents that may occur. In the event of an emergency or dangerous situation, the University will immediately notify the campus community upon confirmation of such situation. Our first goal is your safety and the safety of everyone on campus, so please pay special attention to all the available safety information:

**Emergency Response Plan**  
**Emergency Response and Business Continuity Plan**  
**University Emergency and Weather Closing Procedures**  
**Community Response Guidelines for an Active Shooter Incident**  
**Pace University Emergency Alert System** – All students and employees are automatically signed up to receive emergency alerts via their Pace electronic mail address. All are strongly encouraged to sign up to also have the Pace University Emergency Alert System contact them via a phone call to their home and/or cell phone numbers and send a text message to their cell phone. When an incident occurs on campus, the Executive Director of Safety and Security will create an emergency message to be sent out to the community via the Pace University Emergency Alert System. This message will include critical details about the incident and detailed instructions on what to do. You can sign up for such alerts by visiting the website under the Pace University Emergency Alert System link above.

Other than the Pace University Emergency Alert System (that uses email, text messaging and phone calls), public address systems, electronic signboards, emergency phone lines, bulletins posted on building entrances and exits, will be used as alternative communication methods depending on the emergency situation.

**Emergency Evacuation Guidelines**: In non-fire emergencies, a decision to evacuate should be based on the worst-case scenario. Consideration will be given to the specific threat (bomb threat, explosion, hazardous material incident, etc.), its context (time of day, its likelihood, etc.) and the recommendation of public safety officials. When the order is given to evacuate a building for any reason the procedure is basically the same. Occupants are instructed to follow life safety survival skills, not to use elevators and to evacuate by way of the nearest safe stairway. They are instructed to exit the building and proceed to a pre-designated Emergency Assembly Area (EAA). Fire Wardens, Assistant Fire Wardens, Resident Directors, Resident Assistants and Safety and Security Staff all have responsibilities during the evacuation including assisting the handicapped.

In high-rise buildings it is not always practical to evacuate the entire building immediately upon discovery of a fire or other emergency. Immediate full evacuation may cause “stacking” which can lead to panic. It may also impede fire departments’ efforts to control the fire. Whenever possible and if conditions allow, the public address system will be used to facilitate a systematic and orderly evacuation.
If one of the Westchester campuses is to be evacuated, security personnel will “stagger” the egress from the parking lots to prevent our auto-dependent community from congesting the roadways and causing “gridlock.”

**Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the University constitutes a serious or continuing threat, a campus wide timely warning, or Security Alert, will be issued by the Executive Director, Safety and Security. The warning will be issued through the University’s e-mail system to students, faculty, and staff, and it will also be posted on the Pace University Website.

Depending on the particular circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the Safety and Security office may also issue an emergency text and voice message alert through the Pace Emergency Alert System to alert the University community. Anyone with information warranting a timely warning should report the circumstances in person or by phone to the University Safety and Security Department (see Safety and Security Locations and Phone numbers above under the Section entitled “Reporting Crime on Campus”).

**Drug and Alcohol Policy**

The use of alcoholic beverages on campus must comply with all applicable New York State laws and Pace University regulations. The use, sale or possession of illegal drugs or drug paraphernalia is strictly prohibited.

**Policy Statement**

Pace University has a strong commitment to a healthy and safe environment for all members of the University community. Any use of alcohol and drugs that is illegal or violates this Policy will not be tolerated.

It is the policy of the University that the unlawful use, possession, sale, distribution, or manufacture of controlled substances and alcohol on University property or at University sponsored programs and activities are prohibited. Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on University property or at University sponsored programs and activities.

There are two exceptions to the prohibition against the possession and consumption of alcohol on University property and at University sponsored programs and activities. One exception to this Policy is for the moderate possession and consumption of alcohol at University sponsored programs and activities by individuals legally permitted to possess and consume alcohol, provided prior written approval from the appropriate University representative has been granted. The second exception permits students, except for those who reside in Maria’s Tower,
who are at least 21 years of age to possess and consume a moderate amount of beer or wine (not hard liquor) in their residential housing room.

This Policy applies to each member of the University community -- students, faculty, and staff -- as well as to contractors, vendors, licensees, invitees and visitors.

This Policy is in compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, and it is distributed to every student and faculty and staff member.

**Health Risks of Controlled Substances and Alcohol**

The illegal use of controlled substances and alcohol and the abuse of alcohol and prescription drugs may lead to permanent health conditions including, but not limited to, disorders of the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. In addition, there may be both short-term and long-term effects on cognition, memory, retention, information processing, coordination, athletic performance, academic performance, and the exercise of judgment.

**Controlled Substances:**

All drugs, whether illegal or prescribed, alter the chemical balance of the body. The misuse of drugs may lead to addiction and even death. Drug addiction and abuse can cause serious damage to the brain, stomach, lungs, liver, kidneys, heart, and the immune and reproductive systems. The sharing of needles is a significant factor in the spread of HIV.

**Alcohol:**

Inappropriate use and abuse of alcohol is often associated with lower academic performance and failures, sexually transmitted diseases and unplanned pregnancies, vandalism, aggressive behaviors including sexual assault and rape, injuries, death, and prosecution for crimes related to the consumption of alcohol. Even small amounts of alcohol may impair the ability to concentrate, as well as the judgment and coordination required to drive a car safely thus increasing the likelihood that the driver will be involved in an accident. Small to moderate amounts of alcohol may also increase the incidence of a variety of aggressive acts, including spousal and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses may result in respiratory depression and even death. When used in conjunction with other depressants of the nervous system, even a small amount of alcohol can result in these effects.

Repeated use of alcohol may lead to dependence or addiction. The sudden cessation of alcohol consumption produces withdrawal symptoms such as severe anxiety, tremors, hallucinations and convulsions, and can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, may also lead to permanent damage to vital organs such as the brain and liver.
Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. Infants with fetal alcohol syndrome have irreversible physical abnormalities and mental retardation. Further, research shows that children of alcoholic parents are at greater risk than other children of becoming alcoholics themselves.


**Legal Sanctions**

**Possession of a Controlled Substance:**

It is a crime under federal law to knowingly or intentionally possess a controlled substance unless the possession is otherwise permitted by law, e.g., the controlled substance has been obtained pursuant to a valid prescription. The penalties for the conviction of the unlawful simple possession of a controlled substance, sometimes referred to as personal use amounts, are severe. The penalty for the first conviction is up to one year imprisonment, a fine of at least $1000, or both. The penalty for the second conviction is imprisonment for not less than 15 days but not more than 2 years and a fine of not less than $2,500. If there have been two or more prior convictions, the penalty is a period of imprisonment between 90 days and 3 years and a minimum fine of $5,000.

A conviction for the possession of a mixture or substance which contains a cocaine base (such as crack cocaine) is subject to even more severe penalties. The penalty for the conviction of possession of a cocaine based controlled substance is imprisonment for a period of 5 to 20 years and a fine of no less than $1,000, provided the amount exceeds 5 grams for the first conviction, 3 grams for the second conviction, and 1 gram for each subsequent conviction.

**Trafficking In Controlled Substances:**

It is a violation of federal law to knowingly or intentionally manufacture, distribute, or dispense, or possess with the intent to manufacture, distribute, or dispense a controlled substance. As shown on page 28 of the DEA Resource Guide, penalties for trafficking in controlled substances are considerably more severe than those for the possession of a personal use amount of a controlled substance. (U. S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2015 Edition, a DEA Resource Guide, Federal Trafficking Penalties or www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf Page 28.) Moreover, if a person 18 years or older distributes a controlled substance to a person under 21 years of age, the penalties will be doubled for a first conviction and tripled for subsequent convictions. Similarly, penalties will be doubled for a first conviction and tripled for subsequent convictions of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or within 1000 feet of an elementary or secondary school, college or university, playground, or public housing facility, or within 100 feet of a youth center, public swimming pool, or video arcade facility.
The website of the Drug Enforcement Administration, (www.justice.gov/dea/index.shtml) is a useful source of information about controlled substances.

**Alcohol:**
It is a misdemeanor to sell or give, or cause to be sold or given, any alcoholic beverage to any person under the age of 21. A person convicted of selling or giving any alcoholic beverages to someone under age may be imprisoned for up to 1 year and fined up to $1000. Further, no person under the age of 21 may possess an alcoholic beverage with the intent to consume it. The penalties for possession of an alcoholic beverage with the intent to consume it include a fine not exceeding $50, completion of an alcohol awareness program, and/or community service not to exceed thirty hours.

It is a violation of New York law for a person under 21 years of age to present written evidence of age which is false, fraudulent or not his or her own, for the purpose of purchasing or attempting to purchase any alcoholic beverage. Such conduct is subject to payment of a fine of, depending on the number of prior violations, between $50 and $700, community service, or both, and completion of an alcohol awareness program or evaluation to determine whether the person suffers from alcoholism or alcohol abuse. Using a false or fraudulent written instrument officially issued or created by a public office or governmental instrumentality (e.g., a driver’s license) to procure alcohol is also a crime. The penalties include imprisonment of up to seven years and a monetary fine.

It is unlawful to drive while intoxicated, *i.e.*, blood alcohol content of .08 and higher, or “in an intoxicated condition.” It is also a criminal offense for anyone to operate a motor vehicle if the person’s ability to operate the vehicle is impaired by alcohol or other drugs.

A person under 21 years of age who drives a motor vehicle and whose blood alcohol content is between .02 and .07, is subject to civil sanctions of monetary penalties and fees, and revocation or suspension of his or her driver’s license.

The penalties for driving while intoxicated and driving while impaired, and the penalties for drivers who are under 21 and whose blood alcohol content is between .02 and .07, may be found on the New York State DMV website at http://dmv.ny.gov/tickets/penalties-alcohol-or-drug-related-violations#penalties.

**University Sanctions**
Any violation of the University’s Drug and Alcohol Policy may be disciplined in accordance with the University’s disciplinary procedures for students and for employees. Further, the University may refer the student or employee for criminal prosecution. Any sanction imposed by the University is independent of, and is in addition to, any penalty imposed in connection with a criminal conviction.
The sanctions that may be imposed on a student include, but are not limited to, probation, and suspension, dismissal and expulsion from University housing and/or the University. The sanctions imposed on an employee may include the termination of his or her employment. The sanctions described below are illustrative of the range and severity of sanctions that may be imposed on a student, but they do not constitute a complete list of the possible sanctions. In determining a sanction, the University will consider the nature and severity of the violation, the impact of the transaction on the Pace community as well as on the community at large, and the student’s disciplinary history.

**Controlled Substances:**
Violations of the University’s Drug and Alcohol Policy relating to the unlawful possession, use, or distribution of controlled substances, even if a first offense, are considered to be extremely serious. Such violations may result in more severe disciplinary sanctions, even if there is no harm to the student, others, or property, than if the violation related to the use of alcohol. In addition to probation, suspension, dismissal or expulsion, the student may be fined up to $200, and referred to a drug use assessment and required to comply with any recommendations.

**Alcohol:**
There are 3 levels of alcohol violations. Greater sanctions may be imposed for each successively higher level of violation:

- **Level 1** - Generally, a first violation and there is no harm to the student, others, or property. Sanctions include, but are not limited to, an admonition; a probationary period; participation in an alcohol prevention program (e.g., Alcohol 101); a fine of $100 or, in lieu of a fine, submitting to an alcohol use assessment and complying with any recommendations; and, community service.

- **Level 2** - Generally, a repeat violation or a first violation that caused harm to the student, others, or property. Sanctions include, but are not limited to, submitting to an alcohol use assessment and complying with any recommendations; a probationary period; suspension, dismissal or expulsion from the University and/or University housing; a $200 fine; and, community service.

- **Level 3** - Generally, a repeat violation indicative of a pattern of inappropriate behavior including disregarding previous admonitions, or a serious first or second violation involving harm to the student, others, or property. Sanctions include, but are not limited to, suspension, dismissal or expulsion from the University and/or University housing; a probationary period; a $300 fine; community service; and, submitting to an alcohol use assessment and complying with any recommendations.

**Reporting Requirements**
Any employee, including a student employee, who works in any capacity under a federal grant or contract must notify his or her immediate supervisor of his or her conviction for a violation
of any criminal drug statute (including misdemeanors) occurring in the workplace no later than 5 calendar days after such conviction. This applies to direct charge employees and to indirect charge employees who perform any support or overhead functions related to the grant. The supervisor must then promptly report the conviction to the Vice President for Human Resources. Under the Drug-Free Workplace Act, the University is required by law to report the conviction to the federal funding agency within 10 days of receiving notice of the conviction from the employee or from any other source.

**Parental Notification**

If the University determines that a student under the age of 21 violated the Drug and Alcohol Policy, the University may disclose to a parent or legal guardian of the student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or controlled substances. If practicable, the student will be informed in advance that his or her parents or legal guardian are going to be given notice of the student’s violation of the University’s Drug and Alcohol Policy.

**Counseling and Treatment**

Students and employees who have concerns about their use of alcohol or other drugs are urged to seek assistance.

Faculty and staff may obtain counseling or referrals from Human Resources (212-346-1630 in New York; 914-773-3810 in Westchester); the Pace University Employee Assistance Program, which is administered by CIGNA’s Life Assistance Program (1-800-538-3543); and through the internet at [http://www.cignabehavioral.com/cgi](http://www.cignabehavioral.com/cgi). The User ID is “lap” and the Password is “member”.

Resources for students who are seeking counseling or referrals include the Dean for Students (212-346-1306 in New York; 914-773-3351 in Westchester); Office of Residential Life (212-346-1295 in New York; 914-597-8777 in Westchester); and the Center for Student Development and Campus Activities (212-346-1590 in New York; 914-773-3767 in Westchester). Other resources available to all members of the University community include the Counseling Center (212-346-1523 in New York; 914-773-3710 in Westchester); and University Health Care (212-346-1600 in New York; 914-773-3760 in Westchester).

**Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) and Missing Students Reports**

This plan has been adopted to enhance the safety of the University community, foster cooperation between Pace Security and local law enforcement agencies and improve response techniques related to the investigation of:

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1 Adopted In accordance with Section 6434 of the New York State Education Law and the Higher Education Opportunity Act of 2008.
- Criminal offenses (including felony offenses\(^2\)) occurring at or on University grounds and at off-campus University controlled academic, residential and general services facilities;
- Reports that students residing in University owned or operated housing are missing.

All University campus and off-campus University controlled academic, residential and general services facilities are subject to this plan for coordinating such investigations with local law enforcement agencies.

**Pace University’s Campus and Academic and Residential Facility Locations – Jurisdiction of Local Law Enforcement Agencies**

Pace University is an independent private medium sized institution with six (6) schools offering 151 academic programs on three major campuses and three satellite locations. The Pace campuses are in the confines of four separate police jurisdictions. The New York City campus in Lower Manhattan, the Midtown Center are within the municipal jurisdiction of the New York City Police Department. The White Plains campus and the Lubin Graduate Center are in the jurisdiction of the White Plains Police Department. The Pleasantville campus lies in the jurisdiction of the Mount Pleasant Police Department and the Briarcliff campus which is primarily a residential and administrative center is in the jurisdiction of the Briarcliff Manor Police Department. Pace University has a written agreement with each of these local police departments to coordinate the investigation of alleged criminal offenses (including violent felony offenses) and missing students report.

**Pace University’s Campus Safety and Security Department Operation**

Pace University’s Safety and Security Department provides 24 hour 7 day a week security coverage on the Lower Manhattan, White Plains, Pleasantville and Briarcliff campuses. Security coverage at Midtown Manhattan and the White Plains Graduate Center campuses is in place during hours of operation. 24 hour 7 day a week security coverage is also provided at all off-campus residential facilities. The Safety and Security Department is managed by a University Executive Director and an in-house safety and security staff who are all former law enforcement officers. We also employ a contract staff of New York State licensed Security Officers. None the in-house or contract staff are armed and do not possess either Peace or Police Officer status as specified in the New York State Criminal Procedure Law.

**Criminal Offenses**

Pace University encourages accurate and prompt reporting of all criminal offenses to the Safety and Security Department and local law enforcement agencies. When the Safety and Security Department receives a report that a criminal offense may have occurred at or on any Pace campus or University controlled off-campus facility, Pace Security staff will immediately respond to the scene to investigate and promptly report such offenses to local law enforcement agencies as soon as practicable but in no case more than twenty-four hours after a report of a violent felony or that a student who resides in housing owned or operated by the University is

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\(^2\) As defined in subdivision One of Section 70.02 of the New York State Penal Law. A list of such violent felony offenses is maintained by the Safety and Security Department.
missing; provided that such reporting requirement shall take into consideration applicable Federal Law, including, but not limited to, the Federal Campus Sexual Assault Victims’ Bill of Rights under Title 20 U.S. Code Section 1092(F) which gives the victim of a Sexual Offence the right on whether or not to report such offense to local law enforcement agencies. In such situations, the Safety and Security Department’s primary concerns are:

1. The well-being of the victim and to insure that prompt medical treatment is administered, if necessary.
2. The immediate notification to the appropriate local law enforcement agency and the University Executive Director of Safety and Security.
3. Identification and apprehension (if possible) of responsible person(s).
4. Statements from victim and eyewitnesses regarding basic facts relating to the criminal offence, a physical description of the suspect and exact location of the crime.
5. The preservation of evidence and the safeguarding of the crime scene.

On site Security Officer(s) at the scene are responsible for these preliminary investigation steps until the arrival of the Pace Security supervisory personnel and law enforcement personnel who will then conduct a thorough investigation.

Pace Safety and Security staff may not compel the victim to file a police report or pursue remedies within the Criminal Justice system. The victim will be apprised of all the options available and that reasonable assistance and support will be provided. Failure of the victim to file a police report will not preclude the continuation of the investigation by the Pace Security staff and the law enforcement agency. When appropriate, Pace Safety and Security will disseminate Security Alerts regarding crimes and or other emergency situations that present an immediate threat to the health and safety of students and employees.

**Missing Resident Students**

Housing and Resident Life, the Dean for Students Office or the Pace Safety and Security Department have been designated as the University offices to which missing student reports are to be directed. Upon receiving a missing residential student report, the office receiving the report will immediately notify the other two offices so that their responses may be coordinated. The Safety and Security Department will also notify the University Executive Director of Safety and Security. As soon as possible following receipt of a missing resident student report, the Safety and Security staff, in cooperation with Residential Life staff, may conduct a brief investigation to determine the following:

1. If the student is in their room but not responding;
2. If the student is not present, whether their personal belongings (clothing, toiletries, jewelry etc.) are present;
3. If there is any obvious indication or evidence in the room suggesting the location of the student;
4. The last usage of the students identification card for door access, food services etc.; and
5. If the student’s movements are recorded by the closed circuit camera system located at the entrance to all Resident Halls and at other common locations throughout campus and/or off-campus University controlled facility.

Interviews may also be conducted with family members, roommates, known friends, staff, current professors or any other person who may have information regarding the location of the student. Within 24 hours following one of the designated University offices receiving a missing resident student report, unless the student is located through this brief investigation, the Safety and Security Department will contact the persons and local law enforcement agencies specified in the Pace University Missing Student Notification Policy and Plan. If circumstances warrant, the Safety and Security Department may forego or discontinue the brief investigation, and instead proceed to initiate the contacts specified in the Pace University Missing Student Notification Policy and Plan.

Students living in a Pace University housing facilities may confidentially register with Debbie Levesque, Westchester Campus Assistant Dean, Community Standards (914-773-3168 or at dlevesque@pace.edu) or Patrick Roger Gordon, New York Campus Director, Housing/Residential Life (212-346-1295 or at arogergordon@pace.edu), the names and contact information of the person or persons they wish to be contacted not later than 24 hours after the time that the student is determined missing. Only authorized campus officials and law enforcement officers in the furtherance of a missing person’s investigation will be permitted to have access to this information, and such information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

All resident students are advised that even if they have not registered a contact person, local law enforcement agencies will be notified if they are reported missing, subject to the University’s consideration of and obligations under applicable Federal and State Law.

**Missing Student Notification Policy and Plan**

This Notification Policy and Plan shall apply whenever a University official designated in this Policy receives a report that a student who resides in University owned or operated housing facilities has been missing for longer than 24 hours.

Anyone who has reason to believe that a Pace resident student is a missing for more than 24 hours should report the information to any staff member of Housing and Resident Life, the Dean for Students Office or the Pace Safety and Security Department. Those officials have been designated by the University to receive such reports. If any other University officer or faculty member is advised that a resident student has been missing for more than 24 hours, they are urged to immediately forward the information to the Safety and Security Department.

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3 This Notification Policy and Plan has been adopted in compliance with the Higher Education Opportunity Act of 2008.
The Safety and Security Department may conduct a brief investigation of the missing student report in coordination with Residential Housing and Student Affairs personnel. Within 24 hours following one of the designated University officials receiving a missing resident student report, unless the student is located through the brief investigation, the Pace Safety and Security Department in coordination with Residential Housing and the Dean for Students, will:

- Make contact with the person or persons that the student has designated through the confidential contact registration procedure described in this policy;
- Contact the student’s custodial parent or guardian if the student is under 18 years of age and is not emancipated; and
- Contact local law enforcement agencies as soon as practicable but in no case more than twenty-four hours after a report that a student who resides in housing owned or operated by the University is missing; provided that such reporting requirement shall take into consideration applicable Federal Law, including, but not limited to, the Federal Campus Sexual Assault Victims’ Bill of Rights under Title 20 U.S. Code Section 1092(F) which gives the victim of a Sexual Offense the right on whether or not to report such offense to local law enforcement agencies.

Sex-Based Misconduct Policy and Procedure

STATEMENT OF POLICY AND GOALS
Pace University is committed to providing a safe environment for every member of its community and to ensuring that no student, faculty or staff member is excluded from participation in or denied the benefits of any University program or activity on the basis of sex. Accordingly, the University prohibits the following forms of Sex-Based Misconduct: sexual assault, sexual harassment, gender-based harassment, dating violence, domestic violence, sexual exploitation, and stalking. This Policy also applies to dating violence, domestic violence and stalking that is not sex-based (definitions of these terms can be found below.) All references in this Policy to “Sex-Based Misconduct” shall also be deemed to apply to non sex-based dating violence, domestic violence and stalking. Under certain circumstances an attempt to violate this Policy and Procedure may itself be considered a violation. The use of alcohol or other drugs will not be accepted as a defense to a violation of this Policy and Procedure.

The University prohibits retaliation against any individual for reporting an incident of Sex-Based Misconduct or for participating in any investigation or proceeding related to any such report.

Members of the University community who believe that they have been subjected to Sex-Based Misconduct are encouraged to report such incidents to the University and, where applicable, to local law enforcement. Pursuant to the procedures detailed below, upon receiving a report, the University will respond promptly and fairly. When appropriate, the University will take steps to prevent future incidents and to ameliorate the effects of past incidents.

Pace University is committed to the following goals:
- Establishing a culture of respect for others;
- Educating the University community regarding the meaning and importance of consent;
• Providing information to help members of the University community identify Sex-Based Misconduct;
• Providing clear and concise guidelines for students and other members of the University community to follow in the event that they or someone they know have (or think they have) been the victim of Sex-Based Misconduct;
• Providing educational programs to help students and other members of the University community prevent Sex-Based Misconduct, including bystander intervention training;
• Educating and training staff members, including counselors, security officers and Student Affairs and Residential Life staff to assist victims of Sex-Based Misconduct;
• Assisting victims of Sex-Based Misconduct in obtaining necessary medical care and counseling; and
• Ensuring that reports of Sex-Based Misconduct are addressed promptly and in accordance with the University’s investigatory and disciplinary procedures and that such procedures are fair and impartial.

Nothing in this Policy and Procedure shall abridge academic freedom or the University’s educational mission. Prohibitions against Sex-Based Misconduct and other forms of discrimination and harassment do not extend to statements or written materials that are reasonably germane to the classroom subject matter. This Policy and Procedure does not constitute a contract and can be amended at any time in the University’s sole discretion.

**PROHIBITED SEX-BASED MISCONDUCT DEFINED**

**Sexual Harassment** is defined as unwelcome conduct of a sexual nature, including but not limited to sexual advances, requests for sexual favors, or other physical, verbal or visual conduct of a sexual nature, including rape, sexual assault and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment. This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of sex. It makes no difference in determining whether conduct violates this Policy, that the person accused of violating the Policy was “just joking”, teasing” or being “playful” or had an evil motive. The fact that a person does not object to the alleged harassing conduct or does not request that the harassing conduct stop, does not necessarily mean that he/she welcomes the conduct. Unwelcome conduct of a sexual nature constitutes sexual harassment when:

• Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education, campus life activities or employment (quid pro quo harassment);
• Submission to, or rejection of such conduct by an individual is used as the basis for employment, academic, or other student life decisions affecting such individual (quid pro quo harassment); or
• Such conduct has the purpose or effect of interfering unreasonably with an individual’s academic performance or ability to participate in or benefit from the University’s
programs or activities, or creating an intimidating, hostile, or offensive academic or work environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment sexual harassment).

Examples of sexual harassment that may cause a hostile environment include, but are not limited to:

- Subtle or persistent pressure for sexual activity;
- Unwelcome touching of a sexual nature or impeding or blocking movements;
- Requesting or demanding sexual favors concerning employment, academic activities or other activities;
- Unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- Failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior;
- Engaging in visual conduct such as leering or making sexual gestures;
- Displaying sexually suggestive or degrading objects, pictures, cartoons, posters;
- Distributing sexually suggestive, pornographic or obscene material;
- Making derogatory comments on the basis of sex; sexual propositions; sexually explicit jokes or jokes concerning gender-specific traits or sexual preference;
- Making sexually explicit comments about an individual’s body or clothing; comments about an individual’s sexual desirability; or using sexually degrading words to describe an individual; and
- Engaging in verbal or written slurs, degrading or negative stereotyping.

To make a determination of whether sex-based harassment created a hostile environment, the University will consider the severity, persistence or pervasiveness of the sex-based harassment. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. A single instance of sex-based harassment may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if each instance of the Sex-Based Misconduct is not particularly severe.

**Gender Based Harassment** is verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of his or her gender and that substantially interferes with an individual’s educational, campus life or employment experience. Gender based harassment includes verbal and/or physical aggression toward another based upon a perception that the other fails to conform to stereotypical notions of expected characteristics for males or females.

**Sexual Assault** encompasses two categories of misconduct---Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse.⁴

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⁴ Sex offenses under New York State law are defined in Article 130 of the NYS Penal Code. A summary of New York State Penal Code 130 sex offenses and the penalties for commission of
Nonconsensual Sexual Contact is any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) without Affirmative Consent. This may include nonpenetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without Affirmative Consent to touch one's own private body part.

Nonconsensual Sexual Intercourse is any sexual intercourse, however slight, with any object or body part by a person against another person that is without Affirmative Consent and/or by force. Sexual assaults of this type can be sub-defined by the following:

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration, by a sex organ of another person, forcibly or without consent or where the victim is incapable of consent due to mental or physical incapacity.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

Examples of nonconsensual sexual intercourse include, but are not limited to:
- Vaginal penetration by a penis, object, tongue or finger;
- Anal penetration by a penis, object, tongue or finger;
- Oral copulation (mouth to genital contact or genital to mouth contact).

Sexual Exploitation occurs when, without Affirmative Consent, an individual takes sexual advantage of another. Examples of sexual exploitation include but are not limited to:
- Invasion of sexual privacy and voyeurism (e.g., observing or recording others engaged in sexual activity, whether in-person or through audio or video recording or streaming, without the consent of all involved);
- Taking intimate pictures of another but then distributing the pictures to others without the photographed person’s consent;
- Engaging in sexual activity with another while knowingly infected with a sexually transmitted diseases without informing the other person of such infection;
- Exposing of a person’s genitals in non-consensual circumstances;
- Prostituting or soliciting another community member; and
- Incest.

Further information about sex offenses and resources for victims is available online at http://codes.lp.findlaw.com/nycode/PEN/THREE/H/130.

References to Penal Code sections are provided for information purposes only. The University enforces its Policy and not the Penal Code provisions.
**Domestic Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion, isolation, stalking, or other forms of verbal, emotional, sexual or economic abuse directed towards (i) a current or former spouse or intimate partner; (ii) a person with whom one shares a child; or (iii) anyone who is protected from the Respondent’s acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.  

**Dating Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion 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 would be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of “domestic violence.”

**Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for her, his, or others’ safety, or to suffer substantial emotional distress. Examples of stalking include but are not limited to:

- Constantly appearing at places the victim is known to frequent;
- Persistent unwanted communication or contact whether in person, by telephone, text, or email;
- Persistent unwanted gifts; and
- Following or surveillance.

**Retaliation** occurs when an adverse action is taken against an individual because the individual engaged in an activity protected by law or this Policy, including intimidating, threatening, coercing an individual who reported or complained of Sex-Based Misconduct or participated in a school or government investigation or other proceedings related to allegations of Sex-Based Misconduct.

**Intimidation** means to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

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6 In addition to being a violation of this Policy and Procedure, stalking is a violation of NYS law. Stalking offenses under New York State law are defined in NYS Penal Code Sections 120.45 – 120.60, which are available online at http://codes.lp.findlaw.com/nycode/PEN/THREE/H/120.
Affirmative Consent is 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, gender identity, or gender expression.

Each person involved in the sexual activity is responsible to ensure that they have the Affirmative Consent of the other or others to engage in the sexual activity. A person who has been drinking alcohol or using drugs is still responsible for ensuring that he/she has the other person’s Affirmative Consent to engage in any sexual activity. Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn at any time, and, if it is, the sexual activity must stop. Consenting to a specific sexual activity does not constitute consent to any other sexual act. Consent is not assumed based on previous consensual encounters or implied by a relationship. Consent to a sexual encounter with one person does not constitute consent to such an encounter with another.

Consent does not exist when there is the presence of threat, coercion, force or intimidation. Lack of protest or resistance does not mean consent. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. 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.

Incapacitation is a state where someone lacks the ability to knowingly choose to participate in sexual activity. A person may be incapacitated due to mental disability, sleep, unconsciousness, physical restraint, or from the consumption (voluntary or otherwise) of drugs or alcohol. In New York a person under age 17 is also incapable of giving consent. Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person’s breath, inability to maintain balance, vomiting, unusual or irrational behavior, and unconsciousness. The presence of one or more of these cues does not necessarily indicate incapacity, nor does the absence of these cues necessarily indicate capacity.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion to overcome resistance.

Coercion is unreasonable pressure. The use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts, constitutes coercion. Coercing someone into having sex or performing sexual acts does not constitute obtaining consent and is considered Sex-Based Misconduct.

JURISDICTION AND SCOPE - When and to whom do this Policy and Procedure apply?
This Policy and Procedure applies to acts of Sex-Based Misconduct and violence that occur on
University owned or controlled premises or at University-sponsored off-campus programs or events. This Policy and Procedure applies to all students, faculty and staff, as well as to visitors, guests, vendors, contractors and other third parties. However, the University’s academic and employment environment extends throughout the United States and abroad, wherever the University’s students and employees and those of third parties associated with the University participate in or support University activities and programs. Conduct and behavior at off-campus activities and programs (e.g., off-campus classes, lectures, athletic events, development activities, alumni events, study abroad, etc.) are regulated by this Policy. The University may take action pursuant to this policy with respect to any behavior regardless of where and in what context it occurs if the conduct had an impact or effect on or poses a risk to the work or learning environment of persons covered by this Policy. Therefore, this Policy may be violated even if the prohibited conduct occurs off-campus or during an employee’s or student’s or third party’s off-duty time. The Complaint Procedure below applies if the alleged victim (the “Complainant”) or the Respondent is a Pace University undergraduate, graduate or professional school student, faculty member, staff member, administrator or third party.

This Policy and Procedure applies regardless of the Complainant’s or the Respondent’s sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability or other status protected by law. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this Policy and Procedure (e.g. to make a report, file a complaint, participate in investigatory interviews, and exercise other procedural rights).

ADMINISTRATION AND ENFORCEMENT - Who administers this Policy and Procedure?
The Title IX Coordinator/Affirmative Action Officer is responsible for ensuring the University’s compliance with Title IX of the Education Amendments of 1972 and for administering this Policy and Procedure. The Title IX Coordinator/Affirmative Action Officer is Arletha (Lisa) Miles. She can be reached at (212) 346-1310 or (914) 923-2610 or at amiles@pace.edu.

The Title IX coordinator/Affirmative Action Officer is available to answer any questions that members of the University community may have about this Policy and Procedure and to assist them in gaining access to available resources.

MEDICAL ATTENTION AND EVIDENCE PRESERVATION
Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention. Medical attention is available through University Health Care or at local hospital emergency rooms (listed below). To gain assistance in getting to an emergency room, a victim can call 911 or notify Security. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections. Communications with medical staff are confidential. Medical staff will not report the incident to the University.
Seeking medical attention will in no way obligate a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact police will not impact the University's investigation process.

**New York City Campus**
*University Health Care*
41 Park Row, Rm. 313
(212) 346-1600 (M–F, 9:00 a.m.–5:00 p.m.)

**New York City Hospitals**
*Mount Sinai Medical Center Sexual Assault and Violence Intervention Program (SAVI)*
One Gustave Levy Place
(212) 423-2140 (www.mssm.edu/SAVI)

*New York-Presbyterian/Lower Manhattan Hospital*
(www.nyp.org/lowermanhattan)
170 William Street
(212) 312-5000 (Available 24/7)

*New York Presbyterian Hospital/Columbia Campus*
622 West 168th Street
212-305-2500

*Domestic and Other Violent Emergencies Program*
622 W 168th St., HP2
212-305-9060

*New York Presbyterian Hospital/Weill Cornell Medical Center*
525 East 68th Street
212-746-5454

*St. Luke’s-Roosevelt Hospital*
1000 Tenth Avenue at 58th Street
212-523-4000

**Bellevue Hospital Center**
462 First Avenue
General Information number: 212-562-4141
Emergency Room (Adult): 212-562-4347

**Rape Crisis Program**
First Ave. & 27th St. C&D Building, 4th Fl, Rm 408
212-562-3755

**Beth Israel Medical Center, Petrie Division**
16th Street and 1st Avenue
General Number: 212-420-2000
Emergency Services 212-420-2840

**Rape Crisis & Domestic Violence Intervention Program**
Dept. of Social Work - 317 E 17th St.
212-420-4516

**Harlem Hospital Center**
506 Lenox Avenue, NY, NY 10037
212-939-1000

**Center for Victim Support**
Harlem Hospital Center, R. 6111 MLK
506 Lenox Ave.
212-939-4621 (Hotline: 212-939-4613)

**St. Luke’s Hospital**
1111 Amsterdam Avenue at 114th Street
212-523-4000

**Crime Victims Treatment Center**
411 W 114th ST., Suite 2C
212-523-4728
Victims are advised that the best way to preserve evidence of sexual assault is to avoid bathing or washing yourself before being examined. You should not take a shower, wash hands or face, comb your hair, or douche. Normal everyday behavior, such as going to the bathroom, can destroy or remove evidence of sexual assault; you should try to avoid doing so if possible. Similarly, you should try not to smoke or drink anything. Altering your appearance can hide bruising or lacerations that can be cited as evidence when pressing charges. It is best not to apply make-up or any other substance that can change your appearance.

Evidence of the assault can be found in the fibers of your clothes, strands of your hair, or on other parts of your body, so it is important to try your best to preserve as much evidence as possible. Clothing, towels, sheets and other items should not be washed or moved, if possible. The clothing worn at the time of the assault should be brought to the hospital in a sanitary container, such as a paper bag or a clean sheet. If the clothing worn at the time of the assault is still being worn, it is advisable to bring a change of clothes to the hospital, if possible.

Campus Security can assist you in securing the scene to preserve evidence as well.

It is important to note that failure to take the steps described above does not preclude you from reporting an incident to the University or to the police.
REPORTING AN INCIDENT OF SEX-BASED MISCONDUCT OR NON SEX-BASED DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING

This Policy and Procedure is intended to make all members of the University community aware of the various reporting and confidential and non-confidential resources available.

What is the difference between a confidential and non-confidential resource?

- A confidential resource does not reveal the information shared with him/her without the disclosing person’s consent. (There may be instances where a confidential resource must disclose information in a criminal or civil court proceeding, but those are very limited circumstances.) A list of confidential resources is provided below in this policy, but usually confidential resources are counselors and healthcare providers. The only University employees who can offer confidentiality are those listed as confidential resources below.

- A non-confidential resource is a person who must report information to others with a need to know. A University member who is a non-confidential resource will disclose to as few individuals as possible, but a non-confidential resource does not have the ability to promise that he/she will not tell others within the University about the information that has been shared with him/her. At a minimum, a non-confidential resource will share all information with the Title IX Coordinator/Affirmative Action Officer.

Any University community member who has been the victim of a violation of this policy has the right to make a report to Campus Security or one of the University’s Responsible Employees mentioned below, local law enforcement, and/or the New York State Police, or to choose not to report. If reported to the University under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from the University. A Students’ Bill of Rights and an additional Statement of Rights For Cases Involving Sexual assault, Domestic/Dating Violence and Stalking is found at the end of this policy.

A. Non-Confidential Reporting Resources.

- If you are in immediate danger, you should dial 911 or call Security at:

  **New York City**
  One Pace Plaza, B Level
  (212) 346-1800

  **White Plains**
  Preston Hall
  (914) 422-4111

  **Pleasantville/Briarcliff**
  Gannet Annex Building
  (914) 773-3700/3400

  **Office of Student Services, Pace Law School**
  Aloysia Hall
  (914) 422-4136
Reporting to Law Enforcement. Acts of violence, including sexual assault and stalking, are against the law. If you would like to report an incident to the police, you can do so by calling 911 or the following local police authorities:

**New York City**
One Pace Plaza
New York City Police Department
1 Police Plaza
New York, New York 10038
646-610-5000

Midtown
New York City Police Department
Mid-Town North Precinct
306 W. 54th Street
New York, New York 10019
212-767-8447-Community Affairs Unit

**Briarcliff**
Briarcliff Manor Police Department
111 Pleasantville Road
Briarcliff, New York 10510
914-941-2130

**Pleasantville**
Mt. Pleasant Police Department
914-769-1941
www.mppdny.com (click on Sex Offender Registry)

**White Plains**
White Plains Police Department
77 South Lexington Avenue
White Plains, New York 10601
914-422-6224-Special Victims Unit

The New York State Police Hotline, which can be reached at 1-(844) 845-7269, may also be of assistance in reporting an incidence to law enforcement.

If you would like someone to assist you in contacting the police or go with you to the police department, any of the Security offices listed above can assist you.

Victims may report an incident to law enforcement regardless of whether they choose to report the incident to the University. Conversely, reporting an incident to the University does not require the Complainant to report the incident to law enforcement. The University reserves the right to report any crime to law enforcement, but, as a general rule, the University will not alert law enforcement to an incident of Sex-Based Misconduct without the Complainant’s permission, except where there is a serious and immediate threat to the University community or as otherwise required by law.

Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University’s internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay. The University will cooperate with any criminal proceedings as permitted by law.
Pace University has adopted a Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) And Missing Students Report, which provides for the investigation of any violent felony offense occurring at a University owned or leased facility or at a University-sponsored off campus program or event. University Security officers and the local police can help ensure your safety at the scene as well as accompany you to the hospital for medical attention or arrange for ambulance service.

Reporting individuals should understand that not all sex-based misconduct under this policy is a crime and that the standard law enforcement employs in processing complaints is different than the University’s standard under this policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the local District Attorney.

- Reporting to the University – Non-Confidential “Responsible Employees”

The University encourages all members of the University community who are victims of Sex-Based Misconduct or believe that they may have been victims to report incidents to the University’s Safety and Security Department and/or the Title IX Coordinator/Affirmative Action Officer, who is responsible for investigating violations of this Policy and Procedure. (The complete complaint and investigation procedure is described in detail below.) Employees who have been subjected to Sex-Based Misconduct may report to the Vice President of Human Resources as well. The University recognizes that some individuals may feel more comfortable speaking to another member of the University community with whom they already have a personal relationship, such as the Campus Dean for Students, a Residence Assistant (RA), Residence Director, a faculty member or other University supervisory personnel. University Security and these other non-confidential resources are deemed “Responsible Employees” and they have an obligation to report any incident of Sex-Based Misconduct of which they become aware to the Title IX Coordinator/Affirmative Action Officer.

A report to a Responsible Employee constitutes a report to the University and will generally obligate the Title IX Coordinator/Affirmative Action Officer or her designee to investigate the incident and take appropriate steps to address the situation.

A Responsible Employee cannot guarantee that the University will be able to honor a victim’s request for confidentiality. Responsible employees, including Non-confidential

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7 The Pace University Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) And Missing Students Reports is available online at https://www.pace.edu/general-services/safety-security/policy-and-procedures.
Resources, will make their best effort to maintain the student’s privacy and will only disclose what the student shares to the Title IX Coordinator/Affirmative Action Officer and as necessary to protect the safety of the victim and the University community.

Contact information for the University’s non-confidential Responsible Employees is as follows:

**New York City Campus**
*University Safety and Security*
One Pace Plaza, B Level
(212) 346-1800

*Office of the AVP/Dean for Students, Student Affairs*
41 Park Row, 9th Floor, Rm. 907
(212) 346-1306

*Affirmative Action Office*
163 William Street, 10th Floor
(212) 346-1310

*Housing and Residential Life*
106 Fulton Street, 2nd Floor
(212) 346-1295 (24/7 On-call staff)

**Pleasantville/Briarcliff Campuses**
*University Safety and Security*
Gannett Annex Building
(914) 773-3700

*Office of the AVP/Dean for Students, Student Affairs*
Kessel Student Center, Rm. 207
(914) 773-3351

**Housing and Residential Life**
Elm Hall, Pleasantville
(914) 597-8777
24/7 On-call staff

**White Plains Campuses**
*Safety and Security*
Preston Hall
(914) 422-4111

*Office of Student Services*
Pace Law School
Aloysia Hall
(914) 422-4136

*Housing and Residential Life*
Dannat Hall
(914) 422-4107 (24/7 On-call staff)

**All Campuses**
*Human Resources*
100 Summit Lake Drive, Valhalla, NY
(914) 923-2781

Other Supervisory Personnel and Faculty. Contact information for other University supervisory personnel and faculty members, all of whom are deemed Responsible Parties, are listed in the University White Pages, available online at [https://whitepages.pace.edu/](https://whitepages.pace.edu/).

B. Confidential Resources and Support - Who can I talk to confidentially?

The University encourages any person who has experienced sexual assault or other forms of
Sex-Based Misconduct to talk to someone about what happened, so she or he can get the support needed. There are a variety of confidential resources available to members of the University community. Some of these resources maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”

**Confidential Resources**
The following Confidential Resources are available to members of the University Community on and off campus in each of our locations. The University’s on campus health, counseling and pastoral services noted below are available to students free of charge.

**New York City Campus**
*Counseling Center*
156 William Street, 8th Floor
(212) 346-1526 (24/7 On-call staff)

*University Health Care*
41 Park Row, Rm. 313
(212) 346-1600 (M-F, 9 a.m.-5 p.m.)

**Off Campus**
*Beth Israel Medical Center Rape Crisis Intervention Program*
317 East 17th Street, 4th Floor
(212) 420-4516
www.bethisraelny.org

**Pleasantville, Briarcliff and White Plains Campuses**
*Counseling Center*
Administrative Center
(914) 773-3710 (24/7 On-call staff)

*University Health Care*
Fitness Center, Rm. 125
(914) 773-3760 (M-F, 9 am-5 pm)

**Center for Spiritual Development**
(914) 773-3598 or chaplain@pace.edu

*Pace Women’s Justice Center*
78 North Broadway, Pace Law School
Helpline: (914) 287-0739

**Off Campus**
*Victim’s Assistance*
Westchester Community Opportunity Program, Inc. 1 (855) 827-2255
or www.westcop.org/victims-assistance

All services are free and confidential. Victim’s Assistance Services collaborates closely with sister agencies throughout the county, including Hope’s Door Domestic Violence Shelter (www.hopesdoorny.org), Pace’s Women’s Justice Center (www.law.pace.edu/wjc), and The Loft (www.loftgaycenter.org).
Online and Hotline Resources

New York City

Safe Horizons (www.safehorizon.org)

Safe Horizon Rape & Sexual Assault Hotline
212-227-3000 (available 24 hours a day)

Safe Horizon Alternatives to Violence Program
718-834-7471

NYC Alliance Against Sexual Assault
32 Broadway, Suite 1101
New York, NY 10004
(212) 229-0345 phone (English)
(212) 229-0676 fax
Email: contact-us@svfreenyc.org
Web site: www.svfreenyc.org

New York City Police Department Sex Crimes Report Line
212-267-7273 (available 24 hours a day)

Westchester

Mental Health Association of Westchester Rape Hotline:
914-345-9111 (24 hours a day)

Victims Assistance Services
Westchester Community Opportunities Program
2269 Saw Mill River Rd, Bldg. #3 Elmsford, NY
914-345-3113/1-800-726-4041 Hotline

New York State

New York State Coalition Against Sexual Assault
1 (800) 942-6906 or www.nyscasa.org

RAINN—Rape Abuse and Incest National Network
1 (800) 656-HOPE (4673) or www.rainn.org

New York State Office of Victim Services
www.ovs.ny.gov

New York State Office for the Prevention of Domestic Violence
80 Wolf Road, Albany, NY 12205
NYS Hotline: 1-800-942-6906
Spanish: 1-800-942-6908
Web site: www.opdv.ny.gov

National

National Domestic Violence Hotline
(800) 799-SAFE
For the hearing impaired: 1-800-787-3224

Miscellaneous University Resources and Information

Pace University Employee Assistance Program
(for employees and faculty only) (24 hours) 1-866-248-4096
www.liveandworkwell.com
Access code 61530

Sources for List of Individuals Registered As Sex Offenders:
In accordance with the Campus Sex Crimes Prevention Act, law enforcement agencies must maintain a list of individuals that have registered as sex offenders with a state requiring registration, including employees, students, or persons carrying on a vocation with an educational institution within the jurisdiction of the local law enforcement agency. A list of the local law enforcement agencies having jurisdiction over each Pace site where a list of registered sex offenders is maintained is available online at http://www.pace.edu/general-services/safetysecurity/security-guide/campus-sex-crime-prevention-act. Information may also be found at the New York State Offender Registry Information Line; 1-800-262-3257; http://criminaljustice.state.ny.us/nsor/index.htm.
How Will the University Respond if I Request Confidentiality after Reporting to a Responsible Employee?

If a victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all members of the University community, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In some rare instances, it may be possible for the University to maintain the Reporter’s confidentiality and still take responsive action, including disciplinary action if appropriate. For example, if any one of a number of individuals experienced or witnessed the conduct, it may be possible for the University to proceed without revealing the name of the person who made the report.

The Title IX Coordinator/Affirmative Action Officer will evaluate requests for confidentiality. When weighing a victim’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator/Affirmative Action Officer will consider a range of factors, including the following:

- The risk that the alleged perpetrator will commit additional acts of Sex-Based Misconduct or other violence, which may be assessed by evaluating:
  - whether there have been other complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- Whether the sexual violence was committed by multiple perpetrators whether the sexual violence was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the University possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence); and
- Whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the University determines that it cannot maintain a victim’s confidentiality, the Title IX Coordinator/Affirmative Action Officer will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response and as necessary to conduct a thorough investigation.

AMNESTY FOR INDIVIDUALS WHO REPORT SEX-BASED MISCONDUCT

The health and safety of every student at Pace is of utmost importance. The University realizes that students who have been drinking and/or using drugs (whether such use 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. Pace strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to University officials. A student bystander or student incident participant acting in good faith, who reports or discloses any incident of domestic violence, dating violence, stalking or sexual assault to Pace University officials or law enforcement will not be subject to the University’s code of conduct action 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 accordance with the University’s Drug and Alcohol Amnesty Policy: [http://www.pace.edu/amnestypolicy](http://www.pace.edu/amnestypolicy)

**UNIVERSITY DUTY TO REPORT CRIME STATISTICS**

The University has a duty to report data about various forms of Sex-Based Misconduct in accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act (Clery Act). No personally identifiable information is disclosed, but statistical information is disclosed as part of the University’s Annual Security Report. The information to be shared includes the date, location type (residence hall, public property, off-campus, etc.), and specific crime category.

The University may also be required to issue a timely warning to the University community when it receives a report of certain crimes that pose a serious or continuing threat. Such warning will not include any personally identifying information about the victim.

**PROTECTIVE AND REMEDIAL MEASURES**

After reviewing the complaint, the Title IX Coordinator/Affirmative Action Officer in consultation with the relevant Deans for Students and Academic Deans may take interim protective measures to protect the safety and well-being of the individuals involved and the University community. The University will remain ever mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. These actions may be instituted at any point during the complaint and investigation process, including at the determination stage, or even if the victim does not wish to pursue the complaint and investigation process.

If the University determines that it can respect a victim’s request for confidentiality, the University will still take action as necessary to protect and assist the victim. The request for confidentiality may, however, limit the type of protective measures that can be taken. Information regarding the protective measures taken will be treated as confidentially as possible and will only be shared with those necessary to effectuate the protective measures.

Protective measures include:

- Directing the Complainant and Respondent not to have contact with one another;
- Moving a student’s residence;
- Adjusting a work schedule, location or reporting line for University employment;
- Changing a student’s academic schedule;
- Allowing a student to withdraw from a class without penalty;
- Providing access to tutoring or other academic support;
- Changing transportation arrangements;
- Restricting the Respondent’s access to campus or to certain campus buildings; and
- Providing the Complainant with an escort when needed to ensure that they feel safe.

Depending upon the circumstances, some or all of the protective measures may be lifted once the process is complete and a decision is rendered or they may be continued to assist the Complainant after a determination has been made, even if it is determined that some or all of the allegations have not been substantiated. Failure to comply with a directive relating to a protective measure may lead to further disciplinary action.

Upon request, the Complainant or accused may request a prompt review of the need for and terms of any protective measures and accommodations imposed or requested that directly affects them, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator/Affirmative Action Officer, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator/Affirmative Action Officer will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator/Affirmative Action Officer may, in his/her discretion, modify or suspend the protective measures or accommodations on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator/Affirmative Action Officer will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties’ submission of any evidence.

Because the University is under a continuing obligation to address the issue of Sex-Based Misconduct campus-wide, reports of Sex-Based Misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported Sex-Based Misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

In addition to the measures that the University may take, law enforcement may be able to provide additional protections, such as an order of protection. Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Pace University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused’s right to enter or remain on University property, and the University will abide by a lawfully issued order of protection. University officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:
• A copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person’s responsibility to stay away from the protected person or persons;
• An explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
• Assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

The University can assist members of the University community in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

SANCTIONS FOR VIOLATING THIS POLICY
Those found to have violated this Policy and Procedure will be subject to disciplinary action. The University may impose any of the following sanctions:

• Warning
• Probation
• No contact order
• Community service
• Restriction of access to University facilities
• Loss of privileges and access to University activities (including participation in athletics and other student organizations)
• Changing of academic schedule
• Transfer of housing
• Removal from student housing
• Suspension from school (for one or more semesters)
• Expulsion
• Revocation of honors or awards
• Revocation of degree
• Suspension from University employment
• Termination of University employment

In determining the appropriate sanction, the Decision Maker will consider a variety of factors including: the specific misconduct at issue, the circumstances surrounding the lack of consent (e.g. whether force, threat, coercion, or intentional incapacitation were involved), the Respondent’s state of mind (e.g. knowing, reckless, intentional, etc.), the impact of the misconduct on the Complainant, the Respondent’s prior disciplinary history, the risk that the Respondent will engage in Sex-Based Misconduct again, and the Respondent’s conduct during the pendency of the investigation.

For those crimes of violence that Pace University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing an appeal, if any, shall include the following notation:

• Suspended after a finding of responsibility for a code of conduct violation;
• Expelled after a finding of responsibility for a code of conduct violation; or
• Withdrew with conduct charges pending
Transcript notations for suspensions may be removed at the discretion of the University, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

**COMPLAINT PROCEDURE**

This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of Sex-Based Misconduct or retaliation; (ii) appropriate disciplinary action against an individual found to have engaged in prohibited conduct; and (iii) appropriate remedies for a victim of Sex-Based Misconduct or retaliation.

Upon receipt of a complaint of Sex-Based Misconduct or retaliation or notification of an incident, the Title IX Coordinator/Affirmative Action Officer will meet with the alleged victim to explain the complaint and investigation procedures and will advise him or her of the availability of counseling, medical and other support services, including available interim protective measures.

**THE COMPLAINT**

Complaints of Sex-Based Misconduct may be made verbally or in writing to the Title IX Coordinator/Affirmative Action Officer but Complainants, or other persons reporting such conduct, are encouraged to file a written complaint. Complainants may, but are not required to, use the Complaint Form annexed hereto as “Appendix A.” Complaints or reports should be as detailed as possible and should include: the name(s) of the individual(s) involved; the name(s) of any witness(es); a description of the complained of conduct, including when and where the conduct occurred; any relevant correspondence, including text messages, email, and social media posts; and whether or not the conduct complained of has been reported to the University before and if so, when, to whom, and what the resolution of the previous complaint was.

**TIMELINESS OF COMPLAINT**

There is no statute of limitations with respect to alleged violations of this Policy. However, Complainants or persons with knowledge of a violation are urged to report the alleged violation as soon as possible in order to permit the best possible investigation to be conducted. The availability and memory of witnesses and the availability of documentary evidence, particularly electronic evidence, may be diminished by the passage of time.

**PRELIMINARY DETERMINATION**

Prior to the commencement of an investigation under this Policy, the Title IX Coordinator/Affirmative Action Officer shall make a preliminary determination as to whether

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8 If a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment is determined pursuant to this Policy to have engaged in prohibited discrimination, harassment or retaliation, any suspension or termination of such faculty member will be subject to the University’s Academic Dismissal Policy and Procedure.
the complaint or report of an alleged violation is within the scope of this Policy (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute a violation of this Policy). If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report of an alleged violation is not within the scope of this Policy, the Complainant will be informed that the complaint has been dismissed on those grounds, or, where appropriate, the complaint or report will be referred to appropriate University administrators for their consideration in accordance with other applicable University policies.

REPORTS FROM THIRD PARTIES
If the University receives a report of an incident of Sex-Based Misconduct anonymously or from a third party, the alleged victim will be informed of the report promptly. This Policy and Procedure will be applied in the same manner as if the alleged victim reported the incident.

PUBLIC AWARENESS EVENTS
Sharing information regarding an incident of Sex-Based Misconduct at a public awareness event, such as Take Back the Night, the Clothesline Project, survivor speak-outs, and other forums, does not constitute notice to the University and will not trigger an investigation under this Policy and Procedure.

ADVISORS
Student Complainants and Student Respondents are entitled to have an advisor of their choice accompany them to all meetings and interviews relating to an incident of Sex-Based Misconduct. Advisors are present to provide support and guidance to the student. Advisors are not permitted to advocate for or represent the Complainant or Respondent, to address the Investigator, or otherwise intervene in the meeting or interview. Advisors are permitted to speak to their advisee quietly. Advisors who disrupt the proceedings may be asked to leave.

In cases involving allegations of sexual assault, dating violence, domestic violence, and stalking, Complainants and Respondents who are employees or third parties are also entitled to have an advisor of their choice present as described above.

MEDIATED RESOLUTION
Where appropriate and with the consent of the Complainant, the Title IX Coordinator/Affirmative Action Officer or Investigator may attempt to mediate a resolution of the matter as amicably and privately as possible. If a satisfactory resolution is reached, the matter will be considered closed. If it becomes clear that a mediated resolution will not be possible, the matter will be investigated. Complaints of sexual assault, however, will not be mediated.

THE INVESTIGATION
Once the Title IX Coordinator/Affirmative Action Officer has determined that an investigation will be conducted, she will inform in writing both the Complainant and Respondent of the provision(s) of this Policy and Procedure that the Respondent has been accused of violating and
that an investigation is being conducted in accordance with this Policy and Procedure. Both parties will be provided with a copy of this Policy and Procedure and will be given an opportunity to meet with the Title IX Coordinator/Affirmative Action Officer to ask any questions they may have about the Policy and Procedure before the investigation begins.

**SELECTION OF THE INVESTIGATOR**
In the ordinary course, the Investigator will be the Title IX/Coordinator/Affirmative Action Officer. However, if the Title IX Coordinator/Affirmative Action Officer is unavailable or has a conflict of interest, or the University determines due to the circumstances that another Investigator should investigate the complaint or report, then the Investigator will be selected from a pool of individuals from the University who have been trained in the requirements of this Policy, on issues relating to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability. Similarly trained individuals from outside the University, who may be attorneys, may also be selected to be the Investigator. Selection of an Investigator will be by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel when appropriate.9

**CONDUCT OF THE INVESTIGATION**
The Investigator will conduct a prompt and thorough investigation. During the investigation, the appointed Investigator will:

- Give the Respondent proper notice of the complaint and investigation and provide him or her an opportunity to provide information;
- Interview the Complainant, the Respondent, and any material witnesses (the Investigator will not interview witnesses whose sole purpose is to provide character evidence);
- Gather all relevant documentary and/or physical evidence;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline10; and
- Maintain communication with the Complainant and the Respondent on the status of the investigation and overall process.

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s) as well as the names of witnesses and any other evidence. The Investigator will have sole discretion to determine which witnesses to interview. Neither the Complainant nor the Respondent will have

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9 In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will select the Investigator, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

10 Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.
the right to question any witnesses or to be present during such questioning. In addition, both
the Complainant and Respondent shall have the right to have their own prior sexual history
with persons other than the other party or their own mental health diagnosis and/or treatment
excluded from admittance in any investigatory and/or disciplinary proceeding held under this
policy. If either party offers information relating to the parties’ sexual history with one another,
the other will have the right to respond.

Efforts will be made to maintain privacy; only people who have a need to know about the
incident will be informed, and information will be shared only as necessary with Investigators,
the Complainant, witnesses and the Respondent.

All members of the University community are encouraged to participate in the investigation
process. However, Complainants and Respondents may elect not to participate in the
investigation process at all or may choose not to be interviewed and only to identify other
witnesses and relevant documents. The University will not draw an adverse inference against
either party for failing to participate in the investigation process, but the Investigator and
Decision Maker can only draw conclusions from the information available. So, the failure of one
party to present his or her version of events will likely have a substantial impact on the
outcome of the investigation.

The time needed to complete an investigation will vary based upon several factors, including
the complexity, severity and extent of the allegations. It is expected most investigations will be
completed within thirty calendar days.

At the conclusion of the investigation, the Investigator will prepare a written investigation
report and recommendation.

INVESTIGATOR’S REPORT
Following the completion of the investigation, the Investigator shall promptly prepare a written
report of the investigation (“Investigation Report”) that contains the following, except as
prohibited by law:

- A copy of any written complaint filed by the Complainant and if none was filed by the
  Complainant, then a written summary of the complaint or report prepared by the
  Investigator;
- Copies of any documents relevant to the investigation;
- To the extent known by the Investigator, the name(s) of the Complainant(s), the
  name(s) of the Respondent(s), the name of every person interviewed by the Investigator
  in connection with the investigation and the name of any persons presented by the
  parties as witnesses and a summary of any evidence provided;
- The name of each individual the Investigator attempted to interview but did not
  interview in connection with the investigation, the attempts that the Investigator made
  to interview such individual(s), and the reason(s) why such individual(s) was not
  interviewed;
• A summary of each interview conducted by the Investigator in connection with the investigation;
• A list of the relevant facts that the Investigator found during the investigation;
• A recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy is substantiated or unsubstantiated using a preponderance of the evidence standard\footnote{A preponderance of the evidence means to prove that something is more likely so than not so and does not require proof to an absolute certainty or beyond a reasonable doubt.};
• A description of any prior substantiated complaints made against the Respondent, the resolution of any prior complaints, whether any information from the previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report\footnote{Notwithstanding the existence of a prior complaint or complaints, a determination as to whether this Policy has been violated in a given situation will be based on the information obtained during the Investigation into that specific situation. However, if the Respondent is found to have engaged in such prohibited conduct in the current case, then previous violations may be considered by the Investigator, Faculty Review Committee, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case.};
• A recommendation as to what, if any, remedial measure(s) (e.g., harassment training, etc.) should be taken in light of the complaint and/or factual determination; and
• A recommendation as to what, if any, sanction(s), including suspension, expulsion or termination, should be taken against the Respondent.

Upon completion of a draft Investigation Report, the Investigator shall give the Complainant and Respondent an opportunity to review, on campus, the draft report and the information in the case file (subject to appropriate redaction, including as permitted and/or required by law), but neither will be provided with a copy of the report. Both the Complainant and Respondent will have five calendar days to submit written comments to the Investigator. The Complainant and Respondent will then be given an opportunity to review the submission of the other party. The Investigator will have seven calendar days thereafter to revise and finalize the Investigation Report (including the findings of fact and recommendations) and deliver it to the appropriate Decision Maker listed in the Complaint Procedure Diagram, or his/her designee. Upon written request to the Investigator, the Complainant and Respondent shall then have an opportunity to review, on campus, the final Investigation Report (subject to appropriate redaction, including as permitted and/or required by law), but they shall not be provided a copy and shall not be permitted to submit a response.

If the Respondent is a faculty member, then the Investigator, at least five calendar days prior to submitting the Investigation Report to the Decision Maker, shall submit the final report to a Faculty Review Committee. The Faculty Review Committee will consist of three faculty members selected from and by the appropriate Location Faculty Council Grievance Committee. The Faculty Review Committee shall have five days to submit their written
comments/recommendation, if any, regarding the Investigation Report to the Decision Maker before the Decision is made.

**ASSIGNED DECISION MAKER AND APPEAL OFFICER**

The following Complaint Procedure Diagram, identifies the Decision Makers and Appeal Officers who will be involved in resolving the complaint. As you can see, the identity of these persons varies depending upon whether the Respondent is a student, faculty member, other employee, or a third party. In the event there is no actual complaint from a Complainant, the University will nonetheless address any report of a violation of this Policy by making a reasonable effort to follow the steps contained in the Complaint Procedure Diagram. All Decision Makers and Appeal Officers shall receive annual training on the requirements of this Policy and on issues relating to Sex-Based Misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation, and on how to conduct an investigation and determination process that protects the safety of victims and promotes accountability.

### Complaint Procedure Diagram

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Investigator</th>
<th>Decision Maker</th>
<th>Appeal Officer(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty Member</td>
<td>Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool</td>
<td>Provost (with prior opportunity for comment/recommendation from the Faculty Review Committee)</td>
<td>President</td>
</tr>
<tr>
<td>Student</td>
<td>Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool</td>
<td>Campus Dean for Students for the campus other than where the incident occurred</td>
<td>Provost or the Provost’s designee &amp; 2 trained University officials to be appointed by Title IX Coordinator/Affirmative Action Officer</td>
</tr>
<tr>
<td>Staff</td>
<td>Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool</td>
<td>Vice President for Human Resources</td>
<td>Chief Administrative Officer</td>
</tr>
<tr>
<td>Third Party</td>
<td>Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool</td>
<td>Chief Administrative Officer</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>President or Senior Executives who report to him/her</td>
<td>Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool</td>
<td>Executive Committee of Board of Trustees (with the recusal of the President and Chair of the Board of Trustees)</td>
<td>Chair of the Board of Trustees</td>
</tr>
</tbody>
</table>

**Title IX Coordinator/Affirmative Action Officer:** Lisa Miles, 212-346-1310, amiles@pace.edu  
**University Counsel:** Stephen Brodsky, 212-346-1274, sbrodsky@pace.edu  
**Provost:** Uday Sukhatme, 212-346-1956, usukhatme@pace.edu  
**Vice President Human Resources:** Elizabeth Garti, 914-923-2780, egarti@pace.edu  
**Dean of Students New York:** Marijo Russell-O’Grady, 212-346-1306, mrussellogrady@pace.edu  
**Dean of Students Westchester:** Lisa Bardill Moscaritolo, 914-773-3860 lbardillmoscaritolo@pace.edu
OBJECTIONS TO THE INVESTIGATOR, DECISION MAKER OR APPEAL OFFICER(S)
The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee (defined on page 26 of this Policy and Procedure), the Decision Maker or Appeal Officer(s) based on a conflict of interest or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker, or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator/Affirmative Action Officer prior to any recommendation or decision being issued by the person and in no event, later than two calendar days after the Respondent or Complainant, if any, learn the identity of the person or persons who will be serving in these roles. In all cases except when the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the Chief Administrative Officer, who will evaluate the objection and, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, decide whether to uphold or deny the objection. If the objection is upheld, appropriate replacement or replacements will be selected by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel. If the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the appropriate Location Faculty Grievance Committee. The Location Faculty Grievance Committee, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, shall determine whether to uphold or deny the objection, and if the objection is upheld, select an appropriate alternate Faculty Review Committee member. The Chief Administrative Officer and the Location Faculty Grievance Committee shall set forth the reasons for their objection determinations in writing, which they shall transmit to the Complainant, the Respondent and the Title IX Coordinator/Affirmative Action Officer.

THE DECISION
Within seven calendar days of receiving the Investigation Report from the Investigator, the Decision Maker shall make a determination, which, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In making the determination as to whether Respondent violated this policy, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings of Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker’s determination. If the Decision Maker concludes that the Respondent is responsible for violation of this policy, then both the Complainant and Respondent will be permitted to submit a written impact statement to the Decision Maker for purposes of the determination of appropriate sanctions. The parties will have two calendar days to submit their

13 In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will determine the objection and select an appropriate replacement or replacements, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.
impact statement to the Decision Maker. The Decision Maker may consult with other University officials in determining any appropriate sanctions. The Decision Maker shall promptly issue a written Decision outlining the relevant factual findings supporting the determination, the decision, and the appropriate sanctions, if any, as well as the rationale for the decision and sanctions. The Decision Maker shall promptly, no later than within two calendar days, forward the written Decision to the Investigator, the Respondent, the Complainant, if any, and the Faculty Review Committee if the Respondent is a faculty member. The Decision Maker shall also forward copies of the parties’ written impact statements, if any, to the Investigator and the Faculty Review Committee if the Respondent is a faculty member. In addition, the Decision Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.\textsuperscript{14}

APPEALS
Within five calendar days of the date of receipt of the Decision, the Complainant, if any, or the Respondent may file a written appeal to the appropriate Appeal Officer(s) listed in the Complaint Procedure Diagram. The appeal must include a detailed statement setting forth the ground(s) upon which the appeal is based. The sole grounds upon which a Complainant may base an appeal are as follows:

- The finding that the violation was unsubstantiated was not based on a preponderance of the evidence;
- Material evidence exists that was not available to the Investigator or the Decision Maker during the investigation or prior to issuance of the Decision;
- The Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or Decision;
- The Investigator or Decision Maker had a conflict of interest that may have affected the investigation or decision and was not known to the Complainant prior to the investigation or issuance of the decision; and/or
- Any disciplinary measure to be taken against the Respondent is inadequate.

The sole grounds upon which a Respondent may base an appeal are as follows:

- The finding that the violation was substantiated was not based on a preponderance of the evidence;

\textsuperscript{14} If the Complainant or Respondent is a faculty member, the Decision Maker shall not issue a decision until after the earlier of his or her receipt of the Faculty Review Committee’s comments/recommendations or the expiration of the five calendar day Faculty Review Committee Investigation Report comment period. If the Decision Maker or Appeals Officer remands such investigation to the Investigator or another Investigator for further action, upon completion of the revised Investigation Report, the Investigator shall deliver the revised Investigation Report to the Faculty Review Committee, which shall have a new five calendar day period within which to provide their comments/recommendations with respect to such revised Investigation Report and forward it to the Decision Maker.
• Material evidence exists that was not available to the Investigator or Decision Maker during the investigation or prior to the issuance of the Decision;
• The Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or the Decision;
• The Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Respondent prior to the investigation or issuance of the Decision; and
• Any disciplinary measure(s) to be taken against the Respondent is excessive.

Within five business days of receiving the timely appeal, the appropriate Appeal Officer(s) shall request that the Investigator forward to the Appeal Officer(s): (i) the Investigation Report; (ii) copies of the parties’ written impact statements, if any, (iii) the Decision made by the Decision Maker; and (iv) the Decision Maker’s written communications to the Complainant and Respondent informing each of the outcome of the investigation. Upon receiving such a request, the Investigator shall promptly forward these documents to the Appeal Officer(s). Within two business days of receiving a timely appeal, the Appeal Officer(s) shall forward the appealing party’s submission to the other party who shall have five business days to submit a written response. Within seven business days of receiving the other party’s response to the appeal submissions, the Appeal Officer(s) shall decide the appeal, with the burden on the appealing party to prove one or more of the limited grounds for appeal by a preponderance of the evidence. The Appeal Officer(s) shall issue a written appeal decision within five business days following receipt of the material from the Investigator and transmit the decision to the Investigator, the Decision Maker, the Complainant, if any, and the Respondent. The Appeal Officer(s) may affirm the decision in whole or in part, modify the decision, reverse the decision, or send it back to the Investigator or Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer(s) shall forward the appeal decision to any University officials the Appeal Officer(s) believes should be made aware of the appeal decision. Unless the Appeal Officer(s) sends the decision back for further investigation, the appeal decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, which the Complainant and Respondent shall have an opportunity to review, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

MISCELLANEOUS PROVISIONS

• All time periods may be extended by the University for good cause shown.
• In the event the allegations of discrimination, harassment or retaliation are involved with other violations of University policies, the University reserves the right to select the process or processes to be used to determine all charges that arise out of the same incidents and/or allegations and whether any overlapping procedures are to be utilized sequentially, simultaneously or not at all.
• The Title IX Coordinator/Affirmative Action Officer will serve as the centralized record keeper of records concerning complaints and investigations. Additional records
concerning complaints and investigations may also be maintained by the Vice President for Human Resources and University Counsel.

- Students may utilize this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the Department of Health and Human Services. Their website is [WWW.HHS.gov](http://www.HHS.gov).
- Any suspension or termination of a tenured faculty member or full-time nontenured faculty member prior to expiration of a contract of appointment will be subject to the University’s Academic Dismissal Policy and Procedure.

**RECORDS DISCLOSURE**
Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student’s consent, but it does provide for release of student disciplinary information without a student’s consent in certain circumstances. Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings. Additional information about the University’s FERPA policies can be found at: [http://www.pace.edu/osa/student-records/pace-university-ferpa-policy](http://www.pace.edu/osa/student-records/pace-university-ferpa-policy).

**ADDITIONAL RESOURCES**
The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations:

http://www.notalone.gov

U.S. Department of Education, Office for Civil Rights
http://www.ed.gov/ocr

US Department of Education
Office for Civil Rights
New York – Region II
32 Old Slip, 26th Floor
New York, NY 10005
646-428-3800
OCR.NewYork@ed.gov

U.S. Department of Justice, Office on Violence Against Women
145 N Street, NE, Suite 10W.121
Washington, DC 20530
(202) 307-6026
http://www.ovw.usdoj.gov
STATEMENT OF RIGHTS IN CASES INVOLVING SEXUAL ASSAULT
DOMESTIC/DATING VIOLENCE AND STALKING

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

A. Notify Campus Security, Local Law Enforcement or the New York State Police;
B. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
   a. Options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in the Pace University Sex-Based Misconduct Policy and Procedure;
   b. Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
   c. That the criminal justice process utilizes different standards of proof and evidence than the University’s misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
   d. Whether the person they are reporting to is authorized to offer the confidentiality or privacy; and
   e. Any other reporting options.
C. If they are a student, to contact the University’s Health Care Unit and University Counseling Center, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including the New York State Office of Victim Services at 1-800-247-8035 or https://ovs.ny.gov;
D. Disclose confidentially the incident and obtain services from the state or local government;
E. Disclose the incident to the University’s Responsible Employees who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the University’s Sex-Based Misconduct Policy and Procedure, and can assist in obtaining resources for reporting individuals;
F. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University’s obligations under the law and its policies and procedures;
G. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a confidential or private employee assist in reporting to Human Resources;

H. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings; and

I. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

STUDENTS’ BILL OF RIGHTS
IN CASES INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE, AND STALKING

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 Pace University;
- 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 University 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 Pace, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of Pace;
- 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 interference by the investigative, criminal justice, or judicial or conduct process of Pace University.
Policy against Discrimination, Non Sex-Based Harassment and Retaliation

Pace University is strongly committed to maintaining a working and learning environment that is free from unlawful Discrimination, Harassment or Retaliation. The University is an equal opportunity employer and an academic institution which strongly believes that all employment and academic decisions must be made without regard to whether an employee or student possesses characteristics protected by federal, state, or local law and this Policy and Procedure (“protected characteristics”).

All University officers, administrators, supervisors, staff, faculty members, students, visitors and applicants, as well as vendors, consultants and contractors with whom the University does business are prohibited from engaging in Discrimination, Harassment or Retaliation in violation of this Policy and Procedure.

If you believe that you have been Discriminated against or subjected to Harassment on the basis of any of the protected characteristics described in this Policy and Procedure, or if you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment or for participating in an investigation into a complaint or report of prohibited Discrimination or Harassment, you may report such incident(s) to the persons identified in the Complaint Procedure set forth below.

University officers, administrators and other employees with managerial or supervisory authority (e.g., supervisors, directors, managers, Deans, Department Chairs, etc.) - must report any Discrimination, Harassment or Retaliation that comes to their attention, regardless of whether a complaint is made. All other University staff, faculty, students or third parties who have witnessed or learned of conduct prohibited by this Policy and Procedure are strongly encouraged to promptly report it to the persons identified in the Complaint Procedure section of this Policy and Procedure.

The University shall take prompt and appropriate corrective action whenever instances of alleged prohibited Discrimination, Harassment and/or Retaliation come to its attention. The University is committed to investigating all instances of alleged or suspected prohibited Discrimination, Harassment and/or Retaliation, including anonymous complaints or reports from anonymous sources, even if the victim of such Discrimination, Harassment and/or Retaliation does not make a complaint, does not want the matter investigated or does not cooperate with the investigation.

15 This Policy and Procedure does not apply to reports of sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation, and stalking, which are subject to investigation exclusively pursuant to the University’s Sex-Based Misconduct Policy and Procedure, online at https://www.pace.edu/sites/default/files/files/SexualMisconductPolicy/SexualMisconductPolicy.pdf.
This Policy and Procedure applies regardless of the sexual orientation, sex, gender identity, age, race, nationality, religion or disability of parties and witnesses. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this Policy and Procedure.

DEFINITION OF DISCRIMINATION

Discrimination is the materially adverse treatment of an individual or group of individuals because they possess a protected characteristic. These characteristics include: sex, gender or gender identity; race; color; national origin; religion; creed; age; disability; citizenship; marital or domestic partnership status; sexual orientation; genetic predisposition or carrier status; military or veteran status; status as a victim of domestic violence, sex offenses or stalking and any other characteristics that may be protected by law.

The definition of Discrimination includes: unequal treatment in regards to the terms and conditions of employment (e.g., hiring, firing, compensation, benefits, assignment, transfer, recall, layoff, recruitment, testing, access to facilities and programs, training, etc.); and unequal treatment in terms of academic programs (e.g., grading, class assignments, testing, internships, fellowships, work study, scholarships, access to facilities, admission to programs, etc.) based on a protected characteristic.

Prohibited Discriminatory practices include:

- Employment or academic decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals with protected characteristics;
- Denying employment or academic opportunities to a person because of marriage to or association with an individual with a protected characteristic; and
- Discriminatory practices by third parties (e.g., visitors, applicants, vendors, consultants, contractors, alumni, etc.) are also prohibited. The third party violates this Policy and Procedure if it engages in conduct which affects the work or learning environment of University employees or students in a Discriminatory, Harassing or Retaliatory manner prohibited by this Policy and Procedure, while they are on the premises of the University or otherwise working or interacting with University students or employees.

DEFINITION OF HARASSMENT

A. Harassment. Harassment on the basis of any protected characteristics described in this Policy and Procedure is strictly prohibited by this Policy and Procedure and is a form of discrimination prohibited by various statutes including Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, Westchester County Human Rights Law and the New York City Human Rights Law. For purposes of this Policy and Procedure, Harassment is defined as physical, verbal, visual or other conduct relating to any protected characteristics described in this Policy and Procedure other than sex or gender when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic status (quid pro quo harassment);
• Submission to, or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual (quid pro quo harassment); or

• Such conduct has the purpose or effect of interfering unreasonably with an individual’s work or academic performance, or creating an intimidating, hostile, or offensive work or academic environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment Harassment).

This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of any protected characteristics described in this Policy and Procedure other than sex or gender. Therefore, it makes no difference in determining whether conduct violates the Policy and Procedure, that the person accused of violating this Policy and Procedure (“Respondent”) was “just joking”, “teasing” or being “playful” or had an evil motive. The fact that a person does not object to the alleged Harassing conduct or does not request that the Harassing conduct stop does not mean that he/she welcomes the conduct. Harassing conduct prohibited by this Policy and Procedure includes, but is not limited to, such things as:

• Making or threatening reprisals after a negative response to a request to engage in Discriminatory conduct;

• Engaging in visual conduct such as leering or making obscene, taunting or threatening gestures;

• Displaying suggestive, obscene or degrading material, objects, pictures, cartoons, posters;

• Using visual or audio electronic devices or media (such as radio, television, telephone, social media, computers, email, etc.) to broadcast, distribute or transmit offensive statements, images or other material;

• Making derogatory comments about an individual’s protected characteristics; or jokes concerning protected characteristics or traits;

• Using degrading words relating to an individual’s or group of individuals’ protected characteristics to describe the individual(s);

• Engaging in verbal or written slurs, degrading or negative stereotyping; and

• Engaging in physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

Harassment is also prohibited if it involves Harassment by or of a co-worker, supervisor, officer, administrator, visitor, or person doing business with the University as defined by this Policy and Procedure. Harassment is also prohibited if it involves Harassment by or of a faculty member or student, or between students.

16 See footnote 1, supra, regarding the University’s Sex-Based Misconduct Policy pursuant to which complaints and reports of sexual and gender based harassment are investigated.
RETALIATION DEFINED
Retaliation occurs when an adverse action is taken against an individual because the individual has engaged in an activity protected by law or this Policy and Procedure. A Retaliation claim is established if a person who engages in activity protected by law or this Policy and Procedure, suffers an adverse action in their work or learning environment and there is a causal nexus between the adverse action and the protected activity. An adverse action is one that materially affects a term or condition of an individual’s employment, education, living environment or participation in a University activity or program. It includes any conduct which would deter a reasonable person from engaging in protected activity.

RETALIATION IS PROHIBITED
Retaliation of any kind against an individual who makes a good faith report of unlawful Discrimination or Harassment, or who participates in an investigation into a complaint of prohibited Discrimination or Harassment, is strictly prohibited. Retaliation is prohibited regardless of whether the underlying complaint of Discrimination or Harassment is substantiated. If you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment, or for participating in an investigation into a complaint of prohibited Discrimination or Harassment, you may immediately report such incident(s) to the persons identified in the Complaint Procedure set forth below.

LOCATION OF DISCRIMINATION, HARASSMENT OR RETALIATION
This Policy and Procedure prohibits Discrimination, Harassment and Retaliation in the employment and academic environment of the University. That environment is not limited to the property boundaries of the University’s campuses. The University’s employment and academic environment extends throughout the United States and abroad, wherever the University’s students and employees and those of third parties associated with the University participate in or support University activities and programs. Conduct and behavior at off-campus activities and programs (e.g., off-campus classes or lectures, athletic events, development activities, alumni events, study abroad, etc.) are regulated by this Policy and Procedure. The relevant inquiry focuses on whether prohibited conduct had an impact or effect on the work or learning environment of persons covered by this Policy and Procedure. Therefore, the Policy and Procedure may be violated even if the prohibited conduct occurs off-campus or during an employee’s, student’s or third party’s off-duty time.

ADMINISTRATION AND ENFORCEMENT—Who administers this Policy and Procedure?
The Title IX Coordinator/Affirmative Action Officer is responsible for ensuring the University’s compliance with discrimination laws and for administering this Policy and Procedure. The Title IX Coordinator/Affirmative Action Officer is Arletha (Lisa) Miles. She can be reached at (212)346-1310 or (914)923-22610 or at amiles@pace.edu.

The Title IX Coordinator/Affirmative Action Officer is available to answer any questions that members of the University community may have about this Policy and Procedure and to assist them in gaining access to available resources.
COMPLAINT PROCEDURE
This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of prohibited Discrimination, Harassment and/or Retaliation; (ii) appropriate disciplinary action against an individual found to have engaged in prohibited Discrimination, Harassment or Retaliation; and (iii) appropriate remedies for a victim of prohibited Discrimination, Harassment and/or Retaliation.17
The persons listed below have been designated by the University as the individuals with whom complaints or reports of Discrimination, Harassment or Retaliation prohibited by this Policy and Procedure shall be filed:

Students: Title IX Coordinator/Affirmative Action Officer, Campus Dean for Students, Vice President for Human Resources, University Counsel

Staff: Title IX Coordinator/Affirmative Action Officer, Employee’s Supervisor, Employee’s Manager, Vice President for Human Resources, University Counsel

Faculty: Title IX Coordinator/Affirmative Action Officer, Dean, Provost, Vice President for Human Resources, University Counsel

These persons will accept the complaint/report and refer it to the Title IX Coordinator/Affirmative Action Officer and other appropriate individuals to initiate an investigation in accordance with this Complaint Procedure.

THE COMPLAINT
Complaints of prohibited Discrimination, Harassment and/or Retaliation, or reports of such conduct, may be made verbally or in writing, but persons who make a complaint claiming to be a victim ("Complainants") or other persons reporting such conduct, are strongly encouraged to file a written complaint or a written report. Written complaints should be made using the Complaint Form annexed hereto as “Appendix A.” Complaints or reports should be as detailed as possible and should include the name(s) of the individual(s) involved, the name(s) of any witness(es), when and where the complained of conduct occurred, direct quotes and/or evidence (e.g., notes, emails, pictures, etc.) of the complained of conduct, indirect evidence (e.g., statistical information reflecting Discrimination), whether or not the conduct complained of has been reported to the University before and if so, when, to whom, and what the resolution of the previous complaint was.

If the Complainant or person reporting the alleged violation, requests confidentiality, the University will take reasonable steps to investigate and respond consistent with any such request. If the Complainant or person reporting the alleged violation, asks that the complaint or report not be pursued, or refuses to participate further in the investigation, they will be

17If a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment is determined pursuant to this Policy and Procedure to have engaged in prohibited Discrimination, Harassment or Retaliation, any suspension or termination of such faculty member will be subject to the University’s Academic Dismissal Policy and Procedure.
informed that their lack of participation may impede the investigation and resolution of the matter. The University shall have discretion to determine how best to proceed in investigating and responding in any such situations.

TIMELINESS OF COMPLAINT
There is no statute of limitations with respect to alleged violations of this Policy and Procedure. However, Complainants or persons with knowledge of a violation are urged to report the alleged violation as soon as possible in order to permit the best possible investigation to be conducted. The availability and memory of witnesses and the availability of documentary evidence, particularly electronic evidence, may be diminished by the passage of time. University officers, administrators and employees with managerial or supervisory authority (e.g., supervisors, directors, managers, Deans, Department Chairs, etc.) must report any Discrimination, Harassment or Retaliation that comes to their attention as soon as possible, regardless of whether a complaint is made.

PRELIMINARY DETERMINATION
Prior to the commencement of an investigation under this Policy and Procedure, the Title IX Coordinator/Affirmative Action Officer shall make a preliminary determination as to whether the complaint or report of an alleged violation is within the scope of this Policy and Procedure (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute Discrimination or Harassment based on protected characteristics or Retaliation in violation of this Policy and Procedure). If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report is alleging sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation or stalking, the complaint or report will be referred for investigation pursuant to the University’s Sex-Based Misconduct Policy and Procedure. If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report of an alleged violation is not within the scope of this Policy and Procedure or the Sex-Based Misconduct Policy and Procedure, the complaint or report will be referred to appropriate University administrators for their consideration in accordance with other applicable University policies.

THE INVESTIGATION
All complaints or reports of prohibited Discrimination, Harassment and Retaliation, will be promptly and appropriately investigated by the Title IX Coordinator/Affirmative Action Officer or another individual or individuals selected from a trained pool of investigators. (The individual who investigates the complaint is hereafter referred to as the “Investigator.”) Investigators will advise Complainants of the availability of counseling, medical or other support services.

SELECTION OF THE INVESTIGATOR
In the ordinary course, the Investigator will be the Title IX/Coordinator/Affirmative Action Officer. However, if the Title IX Coordinator/Affirmative Action Officer is unavailable or has a conflict of interest, or the University determines due to the circumstances that another
Investigator should investigate the complaint or report, then the Investigator will be selected from a pool of individuals from the University who have been trained in the requirements of this Policy and Procedure, Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title IX of the Education Act Amendments of 1972 and the employment discrimination statutes. Such training, in addition to ensuring Investigators understand what constitutes Harassment, Discrimination and Retaliation, will also include the methodology for conducting investigatory interviews, gathering and summarizing evidence, writing reports and general investigatory techniques. Similarly trained individuals from outside the University, who may be attorneys, may also be selected to be the Investigator. Selection of an Investigator will be by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.¹⁸

The following Complaint Procedure Diagram, identifies the persons to whom complaints will be referred and the Decision Makers and Appeal Officers who will be involved in resolving the complaint. As you can see, the identity of these persons varies depending upon whether the Respondent is a student, faculty member, other employee, or a third party. In the event there is no actual complaint from a Complainant, the University will nonetheless address any report of a violation of this Policy and Procedure by making a reasonable effort to follow the steps contained in the Complaint Procedure Diagram.

¹⁸ In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will select the Investigator, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.
## Complaint Procedure Diagram

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Complaint Intake Person</th>
<th>Investigator</th>
<th>Decision Maker</th>
<th>Appeal Officer</th>
</tr>
</thead>
</table>
| Faculty Member | • Title IX Coordinator/ Affirmative Action Officer  
• Dean  
• Provost  
• Vice President for Human Resources  
• University Counsel | Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool | Provost (with prior opportunity for comment/recommendation from the Faculty Review Committee) | President |
| Student | • Title IX Coordinator/ Affirmative Action Officer  
• Campus Dean for Students  
• VP for Human Resources  
• University Counsel | Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool | Campus Dean for Students for the campus other than where the incident occurred | Provost |
| Staff | • Title IX Coordinator/ Affirmative Action Officer  
• Employee’s Supervisor  
• Employee’s Manager  
• VP for Human Resources  
• University Counsel | Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool | Vice President for Human Resources | Chief Administrative Officer |
| Third Party | • Title IX Coordinator/ Affirmative Action Officer  
• VP for Human Resources  
• University Counsel | Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool | Chief Administrative Officer | Chief Financial Officer |
| President or Senior Executives Reporting to him/her | • Title IX Coordinator/Affirmative Action Officer  
• VP for Human Resources  
• University Counsel | Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool | Executive Committee of Board of Trustees (with the recusal of the President and Chair of the Board of Trustees) | Chair of the Board of Trustees |

**Title IX Coordinator/Affirmative Action Officer:** Lisa Miles, 212-346-1310, amiles@pace.edu  
**University Counsel:** Stephen Brodsky, 212-346-1274, sbrodsky@pace.edu  
**Provost:** Uday Sukhatme, 212-346-1956, usukhatme@pace.edu  
**Vice President Human Resources:** Elizabeth Garti, 914-923-2780, egarti@pace.edu  
**Dean of Students, New York:** Marijo Russell-O’Grady, 212-346-1306, mrxussellogrady@pace.edu  
**Dean of Students, Westchester:** Lisa Bardill Moscaritolo, 914-773-3860, lbardillmoscaritolo@pace.edu
OBJECTIONS TO THE INVESTIGATOR, DECISION MAKER OR APPEAL OFFICER

The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee (defined on page 11 of this Policy and Procedure), the Decision Maker or Appeal Officer based on a conflict of interest or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker, or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator/Affirmative Action Officer prior to any recommendation or decision being issued by the person and in no event, later than two calendar days after the Respondent or Complainant, if any, learn the identity of the person or persons who will be serving in these roles. In all cases except when the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the Chief Administrative Officer, who will evaluate the objection and, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, decide whether to uphold or deny the objection. If the objection is upheld, appropriate replacement or replacements will be selected by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel. If the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the appropriate Location Faculty Grievance Committee. The Location Faculty Grievance Committee, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, shall determine whether to uphold or deny the objection, and if the objection is upheld, select an appropriate alternate Faculty Review Committee member. The Chief Administrative Officer and the Location Faculty Grievance Committee shall set forth the reasons for their objection determinations in writing, which they shall transmit to the Complainant, the Respondent and the Title IX Coordinator/Affirmative Action Officer.

CONDUCT OF THE INVESTIGATION

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s), provide the names of witnesses and any other evidence. Investigators shall determine who is present during the interviews. The Respondent will have no right to directly question any witnesses, including the Complainant, or to be present during such questioning, Attorneys or other representatives for a Complainant, Respondent or witness will not, as a general rule, be allowed to attend investigatory interviews. As part of their investigation, Investigators will also confer with the Title IX Coordinator/Affirmative Action Officer, the Vice President for Human Resources and University Counsel to determine whether the Respondent has been the subject of any previous complaints, reports or investigations and whether the Complainant has made previous complaints or reports of prohibited Discrimination, Harassment or Retaliation. The University will take immediate action as it deems necessary and appropriate, while investigating the complaint, to ensure there is no further Discrimination, Harassment or

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19 In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will determine the objection and select an appropriate replacement or replacements, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.
Retaliation. All members of the University Community are urged to cooperate with this Complaint Procedure and any investigation being conducted by the University into a complaint of prohibited Discrimination, Harassment or Retaliation. A failure to do so may impede the investigation and may result in unfortunate consequences such as adverse inferences being drawn, decisions being made based on the limited information available and, for University employees who refuse to cooperate, possible discipline up to and including discharge being imposed.

CONFIDENTIALITY
The University shall keep all complaints of prohibited Discrimination, Harassment and/or Retaliation, and the investigation into such complaints, confidential to the extent reasonably possible consistent with the law and the University’s obligation to conduct an appropriate investigation. In the event the information concerning the allegations becomes public, the University may respond or comment in a manner that it deems appropriate.

INVESTIGATOR’S REPORT
Following the completion of the investigation, the Investigator shall promptly prepare a written report of the investigation (“Investigation Report”) that contains the following:

- a copy of any written complaint filed by the Complainant and if none was filed by the Complainant, then a written summary of the complaint or report prepared by the investigator;
- a copy of any document reviewed by the Investigator in connection with the investigation;
- to the extent known by the Investigator, the name(s) of the Complainant(s), the name(s) of the Respondent(s), the name of every person interviewed by the Investigator in connection with the investigation and the name of any persons presented by the parties as witnesses and a summary of any evidence provided;
- the name of each individual the Investigator attempted to interview but did not interview in connection with the investigation, the attempts that the Investigator made to interview such individual(s), and the reason(s) why such individual(s) was not interviewed;
- a summary of each interview conducted by the Investigator in connection with the investigation;
- a list of the relevant facts that the Investigator found during the investigation;
- a recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy and Procedure is substantiated or unsubstantiated using a preponderance of the evidence standard\(^\text{20}\);
- a description of any prior complaints made against the Respondent and/or by the Complainant, the resolution of any prior complaints, whether any information from the

\(^{20}\text{A preponderance of the evidence means to prove that something is more likely so than not so and does not require proof to an absolute certainty or beyond a reasonable doubt.}\)
previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report\(^\text{21}\);

- a recommendation as to what, if any, remedial measure(s) (e.g., Harassment training, etc.) should be taken in light of the complaint and/or factual determination; and

- a recommendation as to what, if any, disciplinary measure(s), including suspension or termination, should be taken against the Respondent.

Upon completion of the Investigation Report, the Investigator shall forward it (including the findings of fact and recommendations) to the appropriate Decision Maker listed in the Complaint Procedure Diagram, or his/her designee. The time needed to complete an investigation will vary based upon several factors, including the complexity, severity and extent of the allegations. It is expected most investigations will be completed within twenty-one calendar days and only rarely will the investigation exceed forty-five calendar days.\(^\text{22}\)

If the Complainant or Respondent is a faculty member, then the Investigator, at least five calendar days prior to submitting the Investigation Report to the Decision Maker, shall submit the report to a Faculty Review Committee. The Faculty Review Committee will consist of three faculty members selected from and by the appropriate Location Faculty Council Grievance Committee. The Faculty Review Committee shall have five days to submit their written comments/recommendation, if any, regarding the Investigation Report to the Decision Maker before the Decision is made.

**THE DECISION**

Within seven days of receiving the Investigation Report from the Investigator, the Decision Maker shall issue a written Decision (setting forth the basis therefor), which, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In making the Decision, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings or Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker’s Decision. The Decision Maker shall promptly, no later than two calendar days, forward the Decision to the Investigator, the Respondent and Complainant, if any, and the Faculty Review Committee if the Complainant or Respondent is a faculty member. In addition, the Decision

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\(^{21}\) Notwithstanding the existence of a prior complaint or complaints, a determination as to whether this Policy has been violated in a given situation will be based on the information obtained during the Investigation into that specific situation. However, if the Respondent is found to have engaged in such prohibited conduct in the current case, then previous determinations of Discrimination, Harassment and/or Retaliation may be considered by the Investigator, Faculty Review Committee, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case

\(^{22}\) Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.
Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.  

**APPEALS**
Within five calendar days of the date of receipt of the Decision, the Complainant, if any, or the Respondent may file a written appeal to the appropriate Appeal Officer listed in the Complaint Procedure Diagram. The appeal must include a detailed statement setting forth the ground(s) upon which the appeal is based. The sole grounds upon which a Complainant may base an appeal are as follows:

- The finding that the violation was unsubstantiated was not based on a preponderance of the evidence;
- Material evidence exists that was not available to the Investigator or the Decision Maker during the investigation or prior to issuance of the Decision;
- The Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or Decision;
- The Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Complainant prior to the investigation or issuance of the decision; and/or
- Any disciplinary measure to be taken against the Respondent is inadequate.

The sole grounds upon which a Respondent may base an appeal are as follows:

- The finding that the violation was substantiated was not based on a preponderance of the evidence.
- Material evidence exists that was not available to the Investigator or Decision Maker during the investigation or prior to the issuance of the Decision;
- The Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or Decision;
- The Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Respondent prior to the investigation or issuance of the Decision; and
- Any disciplinary measure(s) to be taken against the Respondent is excessive.

Within five business days of receiving a timely appeal, the appropriate Appeal Officer shall request that the Investigator forward to the Appeal Officer: (i) the Investigation Report and investigative file; (ii) the Decision made by the Decision Maker; and (iii) the Investigator’s written communications to the Complainant and Respondent informing each of the outcome of

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23 If the Alleged Wrongdoer is a faculty member, the Decision Maker shall not issue a decision until after the earlier of his or her receipt of the Faculty Review Committee’s comments/recommendations or the expiration of the five calendar day Faculty Review Committee Investigation Report comment period. If the Decision Maker or Appeals Officer remands such investigation to the Investigator or another Investigator for further action, upon completion of the revised Investigation Report, the Investigator shall deliver the revised Investigation Report to the Faculty Review Committee, which shall have a new five calendar day period within which to provide their comments/recommendations with respect to such revised Investigation Report and forward it to the Decision Maker.
the investigation. Upon receiving such a request, the Investigator shall promptly forward these documents to the Appeal Officer. Upon receiving these documents, the Appeal Officer shall decide the appeal, with the burden on the appealing party to prove one or more of the limited grounds for appeal by a preponderance of the evidence. The Appeal Officer shall have discretion to stay implementation of the Decision while the appeal is pending. The Appeal Officer shall issue a written appeal decision within five days following receipt of the material from the Investigator and transmit the decision to the Investigator, the Decision Maker, the Complainant, if any, and the Respondent. The Appeal Officer may affirm the decision in whole or in part, modify the decision, reverse the decision, or send it back to the Investigator or Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer shall forward the appeal decision to any University officials the Appeal Officer believes should be made aware of the appeal decision. Unless the Appeal Officer sends the decision back for further investigation, the Appeal Officer’s decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

MISCELLANEOUS PROVISIONS

- All time periods may be extended by the University for good cause shown.
- In the event the allegations of Discrimination, Harassment or Retaliation are involved with other violations of University policies, the University reserves the right to select the process or processes to be used to determine all charges that arise out of the same incidents and/or allegations and whether any overlapping procedures are to be utilized sequentially, simultaneously or not at all. In the event a criminal investigation is also being conducted into events that are the subject of an investigation under this Policy and Procedure, it will not delay the University’s investigation into the same matter. However, the University may decide to coordinate its investigation with evidence being gathered during the criminal investigation.
- The Title IX Coordinator/Affirmative Action Officer will also serve as the centralized record keeper of records concerning complaints and investigations and will ensure that Investigators and Decision Makers under this Policy and Procedure are made aware of prior complaints and investigations involving Respondents. Additional records concerning complaints and investigations may also be maintained by the Vice President for Human Resources and University Counsel.
- Students may utilize this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the Department of Health and Human Services. Their website is WWW.HHS.gov.
- At any time after a complaint is made, the University, Complainant and Respondent may decide an attempt should be made to informally resolve the complaint through informal methods such as mediation.
- The President or his or her designee may take steps that he or she may deem necessary and appropriate, on an interim basis during the pendency of an investigation or appeal,
to protect the Complainant, the Respondent, or any other member(s) of the University community, and/or to protect the interests of the University. Such steps may include actions intended to separate individuals or minimize contact between them such as allowing students to change academic or living situations, temporarily transferring or suspending students, staff or faculty, or any other action deemed necessary and appropriate.

- Any suspension or termination of a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment will be subject to the University’s Academic Dismissal Policy and Procedure.

All questions about this Policy and Procedure should be directed to the Title IX Coordinator/Affirmative Action Officer or University Counsel.

RECORDS DISCLOSURE
Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student’s consent, but it does provide for release of student disciplinary information without a student’s consent in certain circumstances.

Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings.

Additional information about the University’s FERPA policies can be found at: http://www.pace.edu/osa/student-records/pace-university-ferpa-policy.
EXAMPLE OF COMPLAINT FORM

Date(s) of Incident(s): ____________________________

Complainant: ____________________________

Person(s) About Whom Complaint Is Made: ____________________________

________________________________________________________________________

Description of Incident(s) (attach additional sheets if necessary): ____________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Name(s) of Witness(es), if any: ____________________________________________

Has the incident(s) been reported before? Yes No
If yes, when, to whom, and what was the resolution? ____________________________

________________________________________________________________________

________________________________________________________________________

Complainant Signature
Date

Complaint Received By: ____________________________
Name/Signature, Title
Date

EXAMPLE OF ACKNOWLEDGMENT OF RECEIPT OF
PACE UNIVERSITY’S POLICY AND PROCEDURE - DISCRIMINATION, NON SEXBASED
HARASSMENT AND RETALIATION

By my signature below, I acknowledge that I have received a copy of Pace University’s
Policy and Procedure - Discrimination, Non Sex-Based Harassment and Retaliation. I agree to
read this Policy and Procedure thoroughly, and if I do not understand any aspect of this Policy I
will seek clarification from _____________________.

Print Name: ____________________________
Signature: ____________________________
Date: ____________________________
**Annual Fire Safety Report**

To comply with the Higher Education Opportunity Act (Public Law 110-315) Pace University has developed an annual Fire Safety Report which contains information on fire safety practices and standards for our on-campus student housing facilities. This information includes statistics for the past three calendar years regarding the (1) number and cause of fires at all on-campus student housing facilities; (2) number of fire related deaths and/or fire-related injuries that resulted in treatment at a medical facility; and (3) value of fire related property damage. The University must also provide information on, among other things, evacuation procedures, fire safety education and training programs, fire safety systems in each student housing facility, the number of regular fire drills, and all policies regarding portable electrical appliances, smoking and open flames.

**Fire Statistics**

The below table lists the number of fires, the cause of each fire, the number of deaths related to the fire, the number injuries related to the fire that resulted in treatment at a medical facility and the value of property damage related to the fire for fires in on-campus student housing facilities.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Residence Hall</th>
<th>Total Fires in Each Building</th>
<th>Case Date Time</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Cause of Fire</th>
<th>Value of Property Damage</th>
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### Annual Fire Statistics for Student Housing Facilities for 2014

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<th>Campus</th>
<th>Residence Hall</th>
<th>Total Fires in Each Building</th>
<th>Case</th>
<th>Date</th>
<th>Time</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Cause of Fire</th>
<th>Value of Property Damage</th>
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### Annual Fire Statistics for Student Housing Facilities for 2015

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<th>Campus</th>
<th>Residence Hall</th>
<th>Total Fires in Each Building</th>
<th>Case</th>
<th>Date</th>
<th>Time</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
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Fire Safety Systems for On-Campus Student Housing

The below table describes the fire systems (fire alarms, sprinklers, fire extinguishers, smoke detectors) in each on-campus student housing facility.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Residence Hall</th>
<th>Proprietary Fire Alarm System</th>
<th>Full Sprinkler System*</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher</th>
<th>Evacuation Plans Posted</th>
<th>Yearly Fire Drills</th>
<th>Sprinkler Inspection Date</th>
<th>Fire Alarm Inspection Date</th>
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X indicates included in the fire protection system.
* Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

Unless noted above, all Pace University Fire Alarm Systems within residential buildings contain smoke detection in each sleeping area, hallway, and common area. These devices are connected to a fire alarm panel and transmitted to a central monitoring system that is manned 24 hours per day. Pace Safety & Security notifies local Fire Departments upon receiving a general building fire alarm. The following additional items are part of the Pace’s Fire Alarm System: All residential apartments are non-combustible construction design and all doors are fire rated. There are strobe lights and horns in common areas and hallways.
Fire Safety Policies and Procedures

Fire Safety Policies
Resident Student Handbook – NYC

Extension Cords (reference University Guiding Principle 26): Residents are permitted to use only extension cords with the following restrictions:

- UL approved three-pronged extension cords that are 14-gauge or heavier as indicated on the cord’s tag (NOTE: The lower the gauge number the heavier/thicker the cord).
- Cords cannot exceed 10 feet in length.
- Cords cannot impede safe traffic in units.
- Cords must not be pinched in doors.
- Only UL approved multi-plug adapters with circuit breakers are permitted.
- Under no circumstances are residents permitted to overload the electrical system.

Fire Safety Prohibitions: Portable Electrical Appliances, Candles, Halogen Lamps, Hookah Pipes, Incense, Open Heating Elements, Open Flames, or Tobacco Pipes (reference University Guiding Principle 26): Possession of candles (unless wicks are removed) and incense is prohibited. The use of microwaves (with the exception of MicroFridge combination units rented by Maria’s Tower residents, those provided by EHS in St. George and 55 John Street, and those provided by the university in 182 Broadway), hot plates, or heating units with an open flame or heating coil or other portable electrical appliances is prohibited in resident bedrooms. Cooking appliances must be used in designated areas (e.g. apartment kitchens or shared community kitchens). Halogen lamps are strictly prohibited. Hookah pipes and tobacco pipes of all kind are prohibited.

Students whose action, whether intentional or accidental in nature, results in fire, activation of fire safety alarms, activation of fire safety equipment (e.g. sprinklers, extinguishers, fire hoses, etc.), or response from the Fire Department, will be held financially responsible for all damage, repair and cleaning expenses caused by the fire or the response to the fire, and for any fines or penalties levied by the city as a result of the incident. Cleaning and repair costs will be determined by the Buildings and Grounds staff.

Smoking (reference University Guiding Principles 24 and 26, and University Student Handbook): In accordance with the NYC Clean Indoor Air Act (NYC Local Law 2), residents, guests, and employees of the University are strictly prohibited from smoking in residence halls, including student rooms, common areas, lobbies, dining halls, lounges, activity rooms, stairwells, and elevators. The area immediately around the main entrance to each residence hall is also considered a non-smoking area. Students may not smoke in, around or near doorways.
Health and Safety Inspections (reference University Guiding Principles 5 and 9): Student rooms will be inspected about once each month to assure compliance with health and safety related aspects of the University Guiding Principles and OHRL policy. Staff are not required to notify students in advance. Staff will inspect rooms in pairs. In most cases, students will be given the opportunity to resolve health and safety concerns before a re-inspection. Punitive action will only take place in especially egregious violations of health and safety regulations, or when students fail to resolve the violation. Roommates can be held jointly responsible for health and safety violations that exist in their room, apartment or suite. OHRL staff members who observe other violations of university policy (not related to health or safety concerns) will separately document those violations and forward them to the disciplinary/judicial process.

Safety Equipment (reference University Guiding Principles 2 and 24): It is unlawful and prohibited to tamper with the operation of any safety equipment. This includes, but is not limited to; smoke detectors, locks, fire extinguishers, window stops, sprinklers, emergency panic bars, stairwell alarms, fire pull stations, and exit signs. Such behavior may result in a monetary summons, disciplinary action, criminal prosecution, or any combination. All violators of this policy will be documented for a violation of university policy through the judicial process.

Guide to Residence Living – Westchester

Room Furnishings and Cleaning
Residents are responsible for all University property in their rooms and are not permitted to alter, exchange or remove any of their room furnishings. Although you are permitted to decorate your room, within the limits of safety and good taste, you are prohibited from the following:

- Building any type of wooden structure.
- Painting, paneling, or wallpapering on any walls or built-in structures (This includes borders) without the express written consent of the Office of Residential Life.
- Placing locks, nails, screws or any other items in or on the furniture or walls. (Thumb tacks are allowed in walls.)
- Hanging or possessing any wooden or metal signs or board larger than 2 ft. by 2 ft. without prior permission from your RD.
- Hanging any signs advertising any product, company, or organization without proof of ownership and permission of your RD. Signs advertising clubs, organizations, teams, etc. are also prohibited.
- Placing stickers of any kind (including glow in the dark stars) on walls, ceiling, furniture or built-in structures.

You may, with your roommate’s approval, bring your own incidental pieces of non-upholstered furniture (shelves, bookcases, bins, etc.); however, any items which can cause damage to University property or represent a fire hazard are not allowed. In addition no tables stretching longer than 5 feet are permitted in the residence halls. Waterbeds, lofts, or homemade bunk beds are not permitted. Due to limited space and safety, students are discouraged from bringing additional furnishings. University Housing staff reserves the right to have students
remove personal furnishings from a unit if those furnishings are believed to pose a safety risk, impede movement within the unit or represent a fire hazard.

Additionally the Residence Director may ask residents to remove any item that is visible from outside of the building (hung by a window, or on a balcony) or on the outside of a room door if the RD deems it to be inappropriate or in poor taste.

The University specifically prohibits possession of the following items:

- Bars
- Coffee pots
- Water beds
- Halogen lamps
- Combustible fluids
- Cooking appliances
- Fireworks or explosives
- Candles, open flames or incense
- Live holiday decorations such as trees, branches, and wreaths
- Hookah and other smoking devices
- Other portable electronic appliances

**Personal Furniture and Electronic Equipment**

No couches, chairs or futons are permitted unless a resident can provide manufacturers’ certification that furniture meets the national standard for fire retardancy of upholstered furniture. (California Tech. Bulletin 117 is the accepted standard). Written documentation is required.

The University is not responsible for any personal electronic equipment, including computers, brought onto the University premises. All students should connect their electrical/electronic equipment, including computers, to power surge protective devices to minimize potential damage to their personal property.

**Appliances and Cooking**

At times, you may feel like having a “home cooked meal,” but you may not be able to get home. However, due to the serious possibility of fire, or the activation of the fire alarm system, the use of any cooking appliances in student rooms or public areas is strictly prohibited.

UL approved hot pots with an automatic shut-off are allowed, but must be registered with the Residential Life Staff at check-in. Hair dryers, irons, hot rollers, and curling irons are also permitted, however these items must be used in designated areas set forth by your residential life staff members.

Stand-alone microwaves are not permitted in the residence halls or individual rooms of the Townhouses. The ONLY type of microwave permitted in the residence hall rooms are the MicroFridge combination microwave/refrigerator units. These units must be ordered through the Refrigerator Leasing Company at www.rentalcompanyone.com. MicroFridge units must be
4.0 cubic feet or smaller. Residents are limited to one (1) MicroFridge units per double room and two (2) per triple/quad room. If a MicroFridge is not your choice and you intend on purchasing a refrigerator, it must be 2.7 cubic feet or smaller. Larger sizes may not be brought into the residence hall rooms.

If you are uncertain about any item please see your Residence Director for approval of appliances. Any students found using or possessing a restricted appliance will be fined $75.00 and may face disciplinary action. The appliance will also be confiscated. The Office of Residential Life will determine whether or not an appliance is restricted.

Examples of prohibited items include, but are not limited to:

- Rice cooker
- Hot plate
- Blender
- Indoor grill

- Toaster
- Toaster oven
- George Foreman Grill

Confiscated items will be held for 30 days with security. After 30 days Pace University reserves the right to discard any items that have been held for longer than that 30 day period. Any item that has been confiscated by University personnel and is deemed unfit will be removed from campus property within the 30 day limit.

**Smoking**

In the interest of providing a safe and healthy environment for faculty, staff and students and in accordance with New York City Local Law 2 and Title 20 of Westchester County Sanitary Code, Pace University has adopted the following smoking rule:

Smoking is prohibited in all university buildings. Smokers must remain 50 feet from any building or residence hall. Failure to do so may result in a fine and/or disciplinary action.

**TAMPERING WITH THE FIRE SAFETY EQUIPMENT (including, but not limited to smoke/heat detectors, sprinkler heads or fire extinguishers) IS A SERIOUS OFFENSE, AND MAY RESULT IN SUSPENSION OR EXPULSION FROM RESIDENCE OR PACE.**

The following are **PROHIBITED** in the residence halls and Townhouses:

- Blocking exits, doorways, hallways or stairwells with personal objects.
- Propping open fire exit doors.
- Combustible fluids.
- Candles and other open flames.
- Incense.
- Fireworks or explosives.
- Live holiday decorations such as trees and wreaths.
- Decorative/festive lights
**Evacuation Procedures for Student Housing**

If you get caught in a fire situation, survival is your top priority. All alarms are taken seriously. The signal to evacuate a building for a fire, fire drill or other emergency is a series of alarms. University policy requires building occupants to evacuate in the event of a fire alarm activation or during any other emergency that requires evacuation. However, there may be emergency situations in which you may be required to decide on a course of action to protect yourself and the other members of your room or apartment. These fire safety procedures are intended to assist you in selecting the safest course of action in such an emergency. Please note that no fire safety plan can account for all of the possible factors and changing conditions. You will have to decide for yourself what the safest course of action is under the circumstances.

Residents will receive residence hall specific information about fire safety and evacuation procedures at the beginning of each semester. It is extremely important that residents familiarize themselves and their guests with all applicable fire safety procedures in their assigned building. University policy requires occupants to evacuate as directed by the building’s specific fire safety plan in the event of fire alarm activation. Evacuation of the facility is mandatory until the signal to re-enter (“all-clear”) has been given by the Residential Life staff on site. Anyone found in their room, who had not evacuated during the sounding of the fire alarms, will be fined $75.

**One Pace Plaza / 182 Broadway** - A horn will sound on the fire floor, the floor above the fire floor and the floor below the fire floor. The occupants of these areas should immediately use the exit stairs to descend to a floor level that is at least several floors below the fire floor, and await further instruction from safety officials. All other areas will receive an alert tone and occupants should stand-by for further instructions.

**All other Pace owned/leased properties** - University policy requires all occupants to evacuate immediately.

**Suspicion or Sight of Fire**

If you suspect or see a fire, sound the alarm, and evacuate the building by way of the nearest stairwell. Close doors behind you and never use the elevator unless directed to do so by emergency personnel.

**Designated Assembly Area**

The Resident Advisor (RA) is responsible for outlining the assigned evacuation area. Once you have evacuated the building report to your assigned evacuation area. This is where our staff will perform “head counts” to ensure that all students and guests have safely evacuated from the building.

For resident students that are away from the building at the time of evacuation, once outside, if safe to do so, should make their way to the designated assembly area for his/her residence. It is important to know that everyone got out of the building.
**Procedures**
The following procedures for residence halls are to be followed any time a fire alarm sounds:

- Once the fire alarm has sounded, you must evacuate the building, closing all windows before leaving the room.
- While an RA may be present to help vacate the building, you should assist by knocking on your neighbor’s door to the left and right of you as you exit.
- Students are instructed to wear their shoes and jackets, and bring umbrellas (when appropriate).
- Leave the building in an orderly manner by means of the closest safe stairway or exit.
- **DO NOT USE THE ELEVATORS.**
- Once outside the building, you must remain clear of doorways and at least 300 feet from the building. Remain clear of roadways, as well.
- Report to your assigned evacuation area as outlined to you by your RA. Staff will perform “head counts” to ensure all students have safely evacuated the building.

**If the Fire Is In Your Room**

- Close the door to the room where the fire is and leave the room.
- Make sure EVERYONE in the room leaves with you.
- Take your keys and close, but do not lock the room door.
- Alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to exit the building. Pull the fire alarm manual station at the stair entrance to transmit an alarm signal.
- **DO NOT USE THE ELEVATOR.**
- Call 911 and/or security once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
- Meet the members of your room and floor at your designated assembly area.

**If the Fire Is Not In Your Room**

- Feel your room door and doorknob for heat. If they are not hot, open the door slightly and check hallway for smoke, heat or fire.
- Exit your room and building following the instructions above for a fire in your room.
- If you cannot leave your room or use the stairs, stay in your room.
- Call 911 and tell them your address, floor, room number and the number of people in your room.
- Seal the doors to your room with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Open windows a few inches at top and bottom unless flames and smoke are coming in from below. **DO NOT BREAK WINDOWS.**
- If possible, open a window and wave a towel/sheet to attract attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breathes through your nose.
- Wait for help.
**Life Safety Survival Skills**

If smoke or heat is present:
- Stay in room
- Close door and seal cracks.
- If possible, call security and give your location.
- If possible, hang a sheet from the window.
- If possible, open top and and/or bottom of window.
- Wait for help.

If smoke or heat are tolerable:
- Stay low and crawl. Keep your head 1 to 2 feet above the floor.
- Close doors behind you.
- Take keys but do not lock doors.
- Knock on doors on your way out.
- Go to designated assembly area.

**Evacuation of Disabled Persons**

Pre-planning is of utmost importance to ensure that persons with physical disabilities are provided with the assistance and knowledge to evacuate a building. It is expected that a residence life staff member knows of your immobility, whether it is temporary or permanent. Prior to an emergency evacuation of any kind, it is advised that each person needing assistance should meet with the residence life staff and the safety and security department to discuss a plan of action.

- All persons should proceed toward the nearest safe emergency exit.
- When a disabled person reaches a stairway he/she should request help from others in the area. If assistance is not immediately available, individuals should remain in the exit corridor and if possible call for help.
- If the corridor becomes dangerous with fire and/or smoke, proceed into the stairway. Be aware of people exiting the building via the stairway. If the stairway should become unsafe, proceed to a safe area away from smoke and fire, closing doors behind you to isolate the smoke.
- Call 911 and give your name and location.
- Elevators will not be used to evacuate disabled persons until the fire department determines that they are safe to use.
- The Fire Department and/or Security should be informed immediately by any member of the Pace Community as to the location of a disabled person.
- In order to evacuate persons with disabilities as quickly as possible, it will be necessary for the Safety and Security Department to maintain a current list of disabled employees and students.
- If a disabled person is visiting a department, it is that department’s responsibility to assign sufficient employees to assist in evacuation when necessary and to alert the Safety and Security Department on your campus.
**Listing as Disabled Persons**
If any member of the Pace Community wishes to be on the list of disabled persons for emergency evacuation, please send your name, department, extension and supervisor’s name and extension to the Human Resource Director for your location. If you are a student please send information, including class schedule to Student Life. This information will be forwarded to the Safety and Security Department. The Safety and Security Department will meet with persons needing assistance to discuss a plan of action.

**Fire Safety Tips**
- If thick smoke is encountered, crawl low to the floor; this will increase your visibility and help avoid inhalation of toxic chemicals from smoke, which can be deadly.
- Check doors and metal knobs to see if they are hot before you touch them. If they are, do not open the door. If possible, use a wet shirt or towel to cover the crack at the base of the door to prevent smoke penetration.
- If you are trapped, go to the window to signal for help. If there is a phone, call security at 777, and 911 to report your location. Once you are out of the building, report the location of individuals with disabilities or others needing assistance to emergency personnel. Assemble at least 200 feet from the effected building.
- Individuals with disabilities should look for areas of refuge like stairwells with fire doors or safe areas in classroom buildings.
- Take fire alarms seriously; do not ignore them. Don’t worry about taking property with you, time is of the essence.
- Take responsibility for prevention; follow all rules relating to fire safety.

Tampering with smoke alarms, pulling false alarms, or misusing fire protection equipment is a criminal act and will be prosecuted. University disciplinary proceedings will also take place; these are dangerous pranks and should be reported immediately.

**Evacuation Procedures for All Other Pace Owned/Leased Facilities**
All fire alarms are to be taken seriously. Evacuation of the facility is mandatory until the signal to re-enter has been given by the fire department or security. This applies to each member of the University community. Employees should be aware of the emergency evacuation plans for their buildings. Assistance and direction should be given to all contractors, vendors, licensees, invitees, and visitors during the emergency.

The following procedures are to be followed any time a fire alarm sounds. University policy requires occupants to evacuate as directed by the building’s specific fire safety plan in the event of fire alarm activation.

- **One Pace Plaza, and 140 William St.** - A horn will sound on the fire floor, the floor above the fire floor and the floor below the fire floor. The occupants of these areas should immediately use the exit stairs to descend to a floor level that is at least several floors
below the fire floor, and await further instruction from safety officials. All other areas will receive an alert tone and occupants should stand-by for further instructions.

- **156 William St., 163 William St. and Midtown Campus** - Occupants should follow the building’s Fire Safety Director’s directions and procedures.
- **All other Pace owned/leased properties** - University policy requires all occupants to evacuate immediately.

**For all Non-Student Housing Facilities:**
- All stairwells in the building will be used for the evacuation of the building.
- The elevators will not be used.
- When the alarm is sounded, all occupants will use the exit nearest them, if that stairway is not usable, go to the next closest stairway.
- The fire alarm is a loud bell or horn signal.
- Doors, and if possible, windows, should be closed as the last person leaves a room/area.
- When the alarms sound, evacuate the building quickly, but do not run. Do not panic.
- Persons who walk slowly or have difficulties with stairs should walk to the right.
- Leave the vicinity of the building so that the fire fighters will have access to the building.
- Proceed to your designated assembly area for your floor (see below).
- Never re-enter a building without the all clear from the Fire Department or Security.
- See **Evacuation of Disabled Persons** on page 81.

**Designated Assembly Area**
All department heads and supervisors must designate a gathering area outside approximately 200 feet away from the building for employees to go to after evacuation. For employees that are away from department at time of evacuation, once outside, if safe to do so, should make their way to the designated assembly area for his/her department. It is important to know that everyone got out of the building.

**Suspicion or Sight of Fire**
If you suspect or see a fire, sound the alarm, and evacuate the building by way of the nearest stairwell. Close doors behind you and never use the elevator unless directed to do so by emergency personnel.

**Responsibilities**
Department heads are required to establish emergency plans for their respective departments and will maintain emergency contact numbers for all members of their departments. Phone trees will be established.

Each department will develop and maintain a protocol to secure important documents and materials in an emergency situation.

All faculty members should immediately evacuate students from classroom upon activation of the fire alarm.
All **students** are required to evacuate the building immediately and stand approximately 200 feet from the building.

All **employees** must evacuate the building and go to designated assembly area.

See **Fire Safety Tips** on Page 82.

**Fire Safety Education and Training Programs**

Fire/evacuation drills are conducted each semester for all students and employees and are conducted in all academic, administrative, and on-campus residence buildings in accordance with New York State Education Law and New York Dormitory Authority regulations. For residence halls, at least one of these drills is held during evening hours. Drills are conducted to educate occupants on the quickest and safest means for evacuating in the event of an alarm, fire, or other hazardous condition. For your safety, Pace University expects all occupants of buildings in which drills are being conducted at the time, to participate; to comply with instructions to evacuate; and to evacuate in the event of an alarm or hazardous condition. **Please see the Fire Safety Policies section for more details.**

**Reporting Fires**

Any fire that has occurred must be reported to the Safety and Security Department (see contact information below), so it can be listed on the Fire Incident Log. For the reporting of active fires, call 911 and follow the appropriate procedures detailed in this Annual Fire Safety Report.

**Fire Emergency Contacts**

You can dial 777 from any Pace phone in the event of an emergency or press the security button located on Pace internal phones.

**Safety and Security Contact Information:**

New York City Campus - (212) 346-1800  
Briarcliff Campus – (914) 923-2700  
Pleasantville Campus - (914) 773-3400  
White Plains School of Law - (914) 422-4111

**Fire Incident Log**

The University maintains a fire incident log that records, by the date reported, any fire that occurs in an on-campus student housing facility. The Fire Incident Log includes the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire. Additional information may be requested from the Executive Director of Safety and Security at (914) 773-3700.

**Future Fire Safety Improvements**

Pace University is committed to your safety. We are always looking at our current policies and procedures and looking for ways to improve them. At this time there are no plans for future improvements to our fire safety systems.