

# PACE UNIVERSITY

## 2025 Annual Security and Fire Safety Report

Statistics for 2022, 2023, 2024 | New York City and Westchester Campuses



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## Safety and Security Department Message

Pace University Safety and Security Department (sometimes referred to as "Safety and Security" or "Campus Security") works diligently to create and maintain a safe campus environment for students, faculty, staff and visitors.

The University provides 24 hours a day, 365 days per year security presence on each campus. All uniformed security personnel are independently contracted through experienced third-party security providers and receive mandatory pre-employment training in accordance with state laws. They also receive additional in-service training monthly.

In addition to the contracted security officers, there is a full-time cadre of Pace personnel. This Safety and Security staff consists of Director (Westchester), Director (NYC), Assistant Director (Westchester), Assistant Director (Westchester), eight Security Managers, an Administrative Assistant and two Locksmiths.

Safety protocols on all campuses include, but are not limited to; security patrols, card access readers, closed circuit cameras, emergency call boxes, security escorts and the PaceSafe app. In addition, we work closely with the department of Emergency Management and Environmental Health and Safety, which is responsible for the coordination of emergency response and continuity planning. We have established a cross-campus Safety Advisory Committee composed of representatives from the student, faculty, and staff councils, along with administrative staff. The Safety Advisory Committee, which meets monthly, guides the development and implementation of new initiatives, listens to community concerns regarding safety and security, and reviews current campus security policies and procedures and provides recommendations for their improvement.

All members of the Safety and Security team are committed to our students' success and take great pride in their accomplishments while at Pace and upon graduation.

For more information on the Safety and Security Department and the services offered, [visit the Security and Emergency Management website](#). We also invite you to contact us with questions, concerns, and suggestions at (914) 773-3700 or [security@pace.edu](mailto:security@pace.edu).

Sincerely,

Brian Anderson  
Associate Vice President, Safety and Emergency Management

## Preparation and Disclosure of Crime Statistics

Pace University prepares this Annual Fire Safety and Security Report (the "Annual Security Report" or "Report") to comply with *The Jeanne Clery Campus Safety Act* and the regulations promulgated thereunder ("Clery Act" or "Clery"). This Report is prepared by the Safety and Security Department in cooperation with the local law enforcement agencies surrounding our campuses (New York Police Department, Mount Pleasant Police Department and White Plains Police Department.) Additionally, the Safety and Security Department works with the following internal personnel and departments to confirm the information and crime statistics outlined in this Report are accurate: Title IX Coordinator; Residential Life; General Counsel; Human Resources; Counseling, and Campus Security Authorities (who may also be referred to in this Report as "Responsible Employees").

Crime statistics for the University can be found below, as well as on the [Campus Safety and Security page of the U.S. Department of Education website](#). The Safety and Security Department will provide upon request all campus crime statistics as reported to the U.S. Department of Education. This Report includes campus crime statistics for the past three completed calendar years for crimes occurring within the University's Clery Geography, which includes on campus—in Residential Halls; in or on off-campus buildings or property owned or controlled by Pace University; and on public property within, or immediately adjacent to the University's campuses.

Using the Clery Geography defined above, Pace University reports Clery crime statistics for the following locations:

- 1) Pleasantville, NY Campus Locations
  - 861 Bedford Road
- 2) Elisabeth Haub School of Law White Plains, NY Campus Locations
  - 78 North Broadway
- 3) New York, NY Campus Locations
  - 140 William Street
  - 15 Beekman
  - 161 William Street
  - 182 Broadway
  - 33 Beekman Street
  - 41 Park Row
  - 52 Broadway
  - 55 John Street
  - 569 Lexington Ave
  - 80 Greenwich Street
  - 87 Nassau Street
  - One Pace Plaza
- 4) Non-campus locations
  - 100 Summit Lake Drive, Valhalla, NY
  - 99 Castleton Ave, Pleasantville, NY
  - 905 Cole Ave, Los Angeles, CA (May)

Pace University does not have any officially recognized student organizations with non-campus locations that it is aware of or monitored by local police for criminal activity.

This Report also includes campus security policy statements concerning, among other things, how to report a crime, crime prevention, timely warnings, and emergency notifications.

Additionally, the University maintains campus daily crime logs for public viewing. The crime logs include the nature, date, time, and general location of each crime reported that occurred within the University's Clery geography, 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 temporarily until that damage is no longer likely to occur from the release of such information. The crime log for the most recent 60-day period is available for public inspection during normal business hours. A copy of the crime log and other crime statistics (including access to inspect any portion of the log that is older than 60-days) for the University may be requested from the Safety and Security Department at (914) 773-3700 or [security@pace.edu](mailto:security@pace.edu).

## **Pace University Safety and Security Contact Information**

### **New York City Campus**

*Safety and Security*

One Pace Plaza, G-Level

(212) 346-1800

Available 24/7

### **Pleasantville Campus**

*Safety and Security*

Alumni Hall (914) 773-3400

Available 24/7

Gannett House Admin

(914) 773-3700

### **Elisabeth Haub**

**School of Law**

**White Plains Campus**

*Safety and Security*

Preston Hall

(914) 422-4300 Available 24/7

Email: [security@pace.edu](mailto:security@pace.edu)

**Campus Security can also be reached by dialing 777 or pressing the SECURITY button located on most campus phones.**

The University strongly encourages members of the Pace Community to [register to receive Emergency Alerts](#) and to download **PaceSafe**, the University's safety and security mobile application.

***Emergency Dial 911***

# Crime Statistics Reported by Geographic Location

## New York City Campus

	On Campus			On Campus Student Housing Facilities			Non Campus			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
<b>CRIMINAL OFFENSES</b>												
Murder/Non negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	5	4	2	4	4	0	0	0	0	0	0
Fondling	0	1	4	0	0	3	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	1	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>												
Domestic Violence												
Dating Violence	4	0	1	0	4	1	0	0	0	0	0	0
Stalking	2	4	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>												
Weapons: Carrying, Possessing, etc.												
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY ACTIONS</b>												
Weapons: Carrying, Possessing, etc.											0	0
Drug Abuse Violations	17	75	9	17	75	9	0	0	0	0	0	0
Liquor Law Violation	62	119	50	62	119	50	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>	0	0	0									

**HATE CRIMES**

- In 2022, 2023 and 2024, there were no reported hate crimes.

## Pleasantville, NY Campus

	On Campus			On Campus Student Housing Facilities			Non Campus			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
<b>CRIMINAL OFFENSES</b>												
Murder/Non negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	1	2	2	1	2	0	0	0	0	0	0
Fondling	0	2	0	0	2	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	1	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>												
Domestic Violence												
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	2	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>												
Weapons: Carrying, Possessing, etc.												
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY ACTIONS</b>												
Weapons: Carrying, Possessing, etc.											0	0
Drug Abuse Violations	23	20	20	23	20	20	0	0	0	0	0	0
Liquor Law Violation	79	67	71	79	67	71	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>	0	0	0									

### HATE CRIMES

- In 2022, 2023 and 2024 there were no reported hate crimes.

## Elisabeth Haub School of Law White Plains, NY Campus

	On Campus			On Campus Student Housing Facilities			Non Campus			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
<b>CRIMINAL OFFENSES</b>												
Murder/Non negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	1	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>												
Domestic Violence												
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>												
Weapons: Carrying, Possessing, etc.												
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY ACTIONS</b>												
Weapons: Carrying, Possessing, etc.											0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>	0	0	0									

### HATE CRIMES

- In 2022, 2023 and 2024 there were no reported hate crimes.

Definitions of Reportable Crimes are located on page 78 of this Report.

# Policies and Procedures

## Prompt Reporting of Criminal Offenses Policy and Procedure

Pace University encourages accurate and prompt reporting of all criminal offenses and other emergency situations to the Safety and Security Department and local law enforcement agencies. Any violation of campus regulations or a criminal act, including, but not limited to, sexual assault, 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 Safety and Security Department either in person or by phone.

Blue Light emergency telephones which are located throughout campus at strategic locations (i.e.: near residential halls, in parking lots and other active buildings) may also be used for this purpose.

In all cases, a Security officer or supervisor will respond, document the incident and report to a Pace Safety and Security administrative staff member. Depending on the severity of the incident reported, local police will be notified (following consideration being given consistent with the provisions of this Report regarding any request for confidentiality) and a member of the administrative Security team will respond to assist with the collection and preservation of evidence. In many cases a Pace Security Staff Member will follow up on the incident.

## Anonymous, Confidential, and Voluntary Reporting Procedures

Community members who have been a victim or witness of a crime on the Pace University New York City Campus, Pleasantville Campus or Haub Law Campus, but do not want to pursue action within the University system or criminal justice system, may want to consider asking a Pace University Safety and Security Director, Assistant Director or Manager to file a report on the details of the incident without revealing their identity. As with an anonymous report, the purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to enhance the future safety of the victim and others in the community. These reports can be made with the Title IX Office or the [Guardian reporting system](#). This allows the University to keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed as part of the University's annual crime statistics.

Information regarding the ability to report sexual assault or other forms of Sex-Based Misconduct to a confidential resource is included later in this Report.

## Campus Security Authorities

The Clery Act identifies Campus Security Authorities (CSAs) as: (1) the University's campus police department or a campus security department personnel; (2) any individual or individuals who have responsibility for campus security but who do not constitute the University's campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into University property; (3) any individual or organization specifically identified by the University in this Report to which students and employees should report criminal offenses; and (4) any University official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

A Campus Security Authority (also sometimes referred to in this Report as a “Responsible Employee”) is an individual, who by virtue of his or her University responsibilities and under the Clery Act, is designated to receive and report allegations of Clery Act crimes to Safety and Security so that they may be investigated and included and published in the University's Annual Security Report. Reports from CSAs are also critical to ensuring compliance with the University’s obligation to maintain a daily crime log and to enable the University to determine whether a situation warrants issuance of a timely warning or emergency notification to the campus community.

CSAs are responsible for reporting allegations of Clery Act crimes reported to them in good faith in their official capacities. As such, CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation, that a classmate or student mentions in an in-class assignment, that a victim mentions during a speech, workshop or any other form of group presentation, or that a CSA otherwise learns about in an indirect manner.

When a crime is reported to a CSA, the Clery Act requires that the CSA notify the person reporting the incident that they are not a confidential resource and the CSA must share all pertinent information with Safety and Security. CSAs should also let the person know they have the right to report the incident to local police, and that, if they desire, the University will provide a staff person to assist them. CSAs are not responsible for (a) determining whether a crime took place, (b) apprehending the alleged perpetrator (and CSAs should not attempt to do so), or (c) convincing a victim to contact law enforcement if the victim chooses not to do so. A CSA should not decline to report an allegation of a Clery Act crime to Safety and Security based on the CSA’s doubt as to whether the alleged crime actually occurred.

Examples of individuals who meet the criteria of a CSA include, but are not limited to, Dean of Students, Director of Athletics, team coaches, and faculty advisors to student groups/organizations.

University staff who are not CSAs include:

- **Pastoral Counselors** – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. At the University, Sister Susan Becker in the Center for Spiritual Development on the Pleasantville Campus is a pastoral counselor.
- **Professional Counselors** – A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. At the University, the counselors at the Counseling Center are professional counselors.
- **Pace University Health Care** – Medical providers, excluding the Director while working in an administrative capacity, are not considered CSAs by the University.

As a matter of policy, pastoral and professional counselors are encouraged, if and when they deem appropriate, to inform persons they are counseling of the University’s procedures to report crimes on a voluntary, confidential basis for inclusion in the University’s annual disclosure of crime statistics.

## Security of and Access to Campus Facilities Policy and Procedure

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

### New York City Campus

The Safety and Security Department works actively with the Dean of Students, the Office of Residential Life and Housing and Campus Planning and Facilities to review policies, procedures, and potential risks to students, staff, faculty, and visitors.



All New York City Campus buildings are staffed with contract security professional(s) and/or a Fire Life Security Director at all entry/exit areas. Our proprietary in-house Security Managers have direct oversight of the security professionals and conduct regular inspection tours.

Access to New York City Campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized visitors. Security professionals maintain a schedule of locking and unlocking all buildings based on use, class schedules, special events, and safety concerns.

Access to campus facilities is on an as-needed basis and regulated by strict access card procedures. Some facilities have individual hours, which may vary at different times of the year.

Entry into all New York City Campus buildings, including Residential Housing, requires a valid university identification (ID) card that has been granted authorization specific to the designated building and/or area. With the valid ID card, the person will be able to utilize the card reader to release the turnstile for entry and/or be identified as the ID holder by a photograph to enter. If a student, staff member, or faculty member does not possess their valid ID or have an expired ID, they must identify themselves to the security professional for a database query. Once identified via secondary identification or by database photograph/data, they will be issued a temporary day pass.

Visitors are encouraged to attend cultural, athletic, and other activities on campus with access limited to the facilities in which the events take place. The visitor(s) will be required to pre-register for events and will be issued a temporary visitor's pass upon entry.

NYC utilizes over 950 surveillance cameras positioned strategically throughout the campus to extend our reach. These cameras record 24/7 and are a force multiplier for the Safety and Security Department. Security professionals are also assigned to perform security and safety inspections during their regular patrols. These security patrols promote a safe environment, deter crime, and detect hazards.

### **Haub Law Campus**

Entry into Dannat Hall (Residential Housing) in White Plains requires a valid university identification card (ID) that has been granted authorization to the designated building. With a valid ID card, the person will be able to utilize the card reader to release the entryway door locks. The building entrance lobby is monitored by a video surveillance system, and Residential Life personnel.

All academic and administrative buildings and grounds on the Haub Law Campus are monitored by Security mobile and foot patrols, as well as video surveillance. All students, faculty and staff entering campus must pass through the Security booth and present a valid Pace ID. Visitors to campus must present a valid Driver's License or other form of government issued identification which is logged at the Security booth.



Blue Light emergency phones are located in various locations on the Haub Law Campus. These phones offer immediate connection to Campus Security and activate a blue light on top of the unit to draw attention to the area.

### **Pleasantville Campus**

Entry into the Residential Housing on the Pleasantville Campus (Alumni Hall, Elm Hall, Martin Hall, North Hall and Townhouses) requires a valid university identification card (ID) that has been granted authorization to the designated building. With a valid ID card, the person will be able to utilize the card reader to release the entryway door locks. Additionally, all entry/exit points for Alumni Hall, Elm Hall, Martin Hall, North Hall and the Townhouses have video surveillance cameras that are linked to digital video recorders. If a door is left open for more than 30 seconds, a local siren will sound. All of these systems are monitored at the Pleasantville Campus by the 24-hour security office, which dispatches security personnel when necessary.

All academic and administrative buildings and grounds on the Pleasantville Campus are monitored by Security mobile and foot patrols, as well as video surveillance.

Blue Light emergency phones are located in various locations on the Pleasantville Campus. These phones offer immediate connection to Campus Security and activate a blue light on top of the unit to draw attention to the area.

The Pace University Pleasantville Campus is a gated campus. All students, faculty, staff and visitors must check in at the Security booth prior to entering campus. Non-Pace individuals are required to leave their ID at the booth.



## **Maintenance of Campus Facilities – New York City, Pleasantville and Haub Law Campuses**

Facilities staff maintains all campus buildings and grounds with an emphasis on safety and security. Security professionals perform regular safety inspections of doors/locks, sanitation, lighting, landscape, and other repair issues during daily patrols. All issues of concern are reported directly to Facilities via the work-order system. The Facilities staff is available 24/7 for emergencies. The Directors of Facilities, Residential Life, and Safety and Security meet periodically to discuss safety and security issues.

## **Security as Cooperative Effort**

Although the Safety and Security Department's principal function is the safety and security of the entire 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 more regularly. 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 important rules should be followed:

- Never prop open the doors to residence halls or other locking/secured doors. All 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 or Pace ID to anyone. Carry them at all times.
- Keep your car locked and park it in a well-lit area.
- Do not leave valuables visible or in an unattended or unlocked room, vehicle or locker.
- If you see a person or something that looks suspicious, report it to the Safety and Security Department.



## Crime Prevention and Security Awareness Programs

Pace University is strongly committed to maintaining a working and learning atmosphere that is free from unlawful discrimination, harassment and retaliation. The University is also an equal opportunity employer that is strongly committed to making all personnel decisions without regard to actual or perceived sex, gender or gender identity; race; color; national origin; religion; creed; age; disability; citizenship; marital or domestic partnership status; sexual orientation or affectional status; genetic predisposition or carrier status; military or veteran status; status as a victim of domestic violence, sex offenses or stalking; or any other characteristic protected by federal, state or local law, rule or regulation.



All University employees, supervisors, administrators, officials, faculty members, students, and applicants, as well as everyone with whom the University does business (e.g., outside vendors, consultants, contractors) are prohibited from engaging in unlawful discrimination and/or harassment based on any of these protected characteristics.

To facilitate the continued safety of all Pace Community members, the University offers a comprehensive crime education and security awareness program annually.

**Incoming Students** - Pace University provides a primary prevention module to all incoming students as part of the pre-orientation online content. The module covers the University's sexual misconduct policy and Title IX and includes information indicating that the crimes of dating violence, domestic violence, sexual assault and stalking are prohibited by the University. Additionally, each orientation session includes a 30-minute presentation discussing confidential and non-confidential resources, Title IX, healthy relationships, affirmative consent, and a brief bystander intervention section.

The majority of University 101 courses, required for all incoming students, also receive a 45–60-minute presentation from the University's Interpersonal Violence Prevention and Education Specialist or University Peer Educator from the Office of Sexual and Interpersonal Wellness, to review resources, consent and sexual communication, intimate partner violence, sex positivity and rape culture. In addition, incoming students receive a 45-minute presentation from the University's Counseling Centers addressing mental health issues impacting college students and how to access support services.



**Newly Hired Employees** - All newly hired Pace University employees (staff, faculty, and student employees) are required to complete the Preventing Harassment and Discrimination program within 30 days of hire. This suite of online programs includes supervisor and non-supervisor versions of the Preventing Harassment and Discrimination, including modules on Title IX and Clery requirements. Pace-specific policies are included in the programs, with the requirement for the user to acknowledge having read and understood the policies.

**Current Employees** - Annual refresher training on preventing harassment and discrimination is required for all Pace employees (faculty, staff, and student employees). This is an abbreviated version of the new hire training and includes information on Pace-specific policies and applicable updates to state, city and federal legislation.

Additionally, presentations are made by Pace University Safety and Security staff members at new employee orientations, student orientations, "Week of Welcome" programming at the beginning of each semester, as well as a presentation for parents of incoming first-year student during family orientation.

Periodically during the academic year, at the request of 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 safety and security and that of others.

Below is a list of additional programs, trainings and materials that are provided on campus annually:

- **New Employee Orientation** – Covers basic security requirements on the New York, Pleasantville and Haub Law Campuses such as photo I.D. cards and parking decals.
- **Online Sexual Harassment Prevention Training** – Required for all Pace University staff, faculty and student employees, this interactive training contains challenging and interesting real-life workplace situations designed to promote awareness of and prevent sexual harassment.
- **Take Back the Night and Denim Day** – National campaigns; further information on such campaigns can be found at the following sites:
  - [Take Back the Night website](#)
  - [Denim Day website](#)
- **[Sexual and Interpersonal Wellness Website](#)** - Contains information pertaining to policies/procedures on sexual assault, reporting, emergency services and follow-up care.
- **Sexual Assault and Intimate Partner Violence Resource Guide** – A widely distributed guide to options, resources and support regarding sexual assault awareness.
- **University-wide trainings** to include crime reporting, suspicious persons/objects, safety tips, etc. have been provided to all University employees, including: Residential Life staff, Security, Athletes and Coaches, as well as Student Affairs professional staff. These were presented by outside counsel, the Title IX Office, and the staff of the Office of Sexual and Interpersonal Wellness.
- **Sexual Assault Awareness Month (April) and Domestic Violence Awareness Month**



**(October) programming**, put on by Peer Educators in the Office of Sexual and Interpersonal Wellness, Pleasantville, Peer Educators in the Office of Sexual and Interpersonal Wellness, NYC, and campus partners.

- **OSIW Residential Life Training** which centers on relationship violence prevention and red flags for abuse. Training given by the Office of Sexual and Interpersonal Wellness to Resident Assistants, Professional Residential Life Staff, and athletics as requested.
- **Peer Educators in the Office of Sexual and Interpersonal Wellness (Pleasantville and New York City campuses)** – Offering programming, workshops, and other learning opportunities throughout the year. They provide education to raise awareness about sexual violence and offer private, non-confidential support to current Pace students who have been impacted by sexual violence or have mental health concerns.
- **PaceSafe App** – Mobile Application for iPhone and Android, features Emergency Numbers, Safety Walk, Report an Incident, Campus Maps, Support Resources, etc.



## Law Enforcement and Jurisdiction Policy and Procedure

The primary responsibility of the Safety and Security Department is to promote the safety and security of the students, faculty, staff and visitors of the University. Pace University provides 24 hours a day, 365 day per year security presence on each campus (New York City, White Plains, and Pleasantville).

There is a supervisor on duty at all times in addition to fixed and patrol assignments. All uniformed security personnel are independently contracted through experienced third-party security providers and receive mandatory pre-employment training in accordance with state laws. They also receive additional in-service training on a monthly basis. In addition to the contracted security officers, there is a full-time cadre of Pace personnel. This Safety and Security staff consists of the Associate Vice President, Safety and Emergency Management; Director (NYC); Director (Westchester); Assistant Director (Westchester), nine Security Managers, Administrative Assistant, and two Locksmiths.

None of the above personnel are police officers, nor have they the power of arrest beyond that of every citizen. The University's Safety and 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 person report the incident to the proper police authority as well as to the University. Prompt reporting will assure, among other things, timely warning notices on-campus and timely disclosure of crime statistics.

### Law Enforcement Relationships and Jurisdiction

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

- Criminal offenses (including violent felony offenses) occurring at or on University grounds and at off-campus University controlled academic, residential and general services facilities; and
- 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 and State Law Enforcement Agencies**

Pace University is an independent, private, medium sized institution with seven (7) schools offering more than 150 academic programs on three major campuses. The Pace campuses are in the confines of three separate police jurisdictions. The New York City Campus in Lower Manhattan is within the municipal jurisdiction of the New York City Police Department. The Haub Law Campus is in the jurisdiction of the White Plains Police Department. The Pleasantville Campus lies in the jurisdiction of the Mount Pleasant Police Department. Pace University has a signed, written Memorandum of Understanding with each of these local police departments to coordinate the investigation of alleged criminal offenses (including violent felony offenses) and reports of missing students. The University also maintains a relationship with the New York State Police.

### **Timely Warning Policy and Procedure**

Pace University Safety and Security Department in coordination with Emergency Management is responsible for preparing and issuing Timely Warnings for Clery Act crimes that occur on the University's Clery Geography posing a serious or continuing threat to the Pace Community, which have been reported to Campus Security Authorities or local police.

#### **Clery Act Crimes include:**

##### **Criminal Offenses**

- Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

##### **Hate Crimes**

- Any of the above of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by the perpetrator's bias against the victim.

##### **VAWA Offenses**

- Any incident of Domestic Violence, Dating Violence and Stalking.

##### **Arrests and Referrals for Disciplinary Action**

- Weapons – Carrying, Possessing, Etc., Law Violations, Drug Abuse Violations and Liquor Law Violations.

The Associate Vice President of Safety and Emergency Management or his/her designee will use the determination of "more likely than not" to confirm an immediate threat to the campus community. Timely Warnings will be disseminated to all students, faculty, staff and visitors upon confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community. Timely Warnings will contain pertinent information, and when possible and applicable, a picture or description of the suspect. Timely Warnings will also, as appropriate, provide tips to assist with safety and crime prevention.

The University will issue a Timely Warning as soon as pertinent information regarding the incident is

available. All students and employees are automatically signed up to receive Timely Warnings via their Pace electronic mail address. Timely Warnings will be issued through the University's e-mail system and the PaceAlert system to students, faculty, and staff, and will also be posted on the [Pace University website](#), the PaceSafe app, and on campus bulletin boards.

Timely Warnings may be updated if needed as new information becomes available during the investigation. Please note that a separate Timely Warning may not be issued in circumstances where the University's emergency notifications procedures described below are followed.

### **Timely Warnings**

Timely warnings are used to notify the community of crimes, on or nearby campus property within the University's Clery Geography, that pose a serious or continuing threat to students, faculty and staff. Timely Warnings are issued in compliance with the Clery Act, for selected crimes in selected areas, which pose a serious or continuing threat to the campus community. Timely Warnings will contain all pertinent information regarding the type of criminal incident that has occurred and are issued in order to enable individuals to protect themselves and aid in the prevention of similar crimes.

### **Safety Alerts**

Certain incidents may not meet the formal criteria for a Timely Warning but are determined to be important to share with the Pace Community. In these situations, the Associate Vice President of Safety and Emergency Management, in consultation with Pace leadership, may decide to issue a Safety Alert. These alerts are distinct from Clery Timely Warning requirements and may contain different elements of information. Safety Alerts will generally be disseminated via email; however, in special situations, phone calls and SMS messages may also be used. When new information is obtained, follow-up Safety Alert messages may also be issued.

### **Emergency Notifications**

The health and safety of all our students, faculty, administration, staff, and visitors is our primary concern at Pace University. Pace recognizes the critical importance of being prepared and has designed a comprehensive program to enhance 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 on campus. Such threats may include, but are not limited to, outbreaks of serious illness, gas leaks, extreme weather, explosion, fire, chemical or hazardous waste spill or armed intruder.

The Department of Emergency Management, Environmental Health and Safety, and Safety and Security will make decisions regarding the proper response to all reports of emergencies or dangerous situations on campus. Emergency Notifications are made via PaceAlert.

PaceAlert Emergency Notifications are sent via phone call, SMS, email, and LCD screens.

All Pace students, staff, and faculty automatically have their email addresses enrolled in PaceAlert.

Community members are strongly encouraged to access the [PaceAlert website](#) to add both work and personal phone numbers so they can be contacted through these additional channels

Authorized users of PaceAlert for Emergency Notifications include Security Managers, Security Directors, the Director of Emergency Management, and the Associate Vice President of Safety and

Emergency Management. Any authorized user of PaceAlert may independently decide to issue an Emergency Alert when they have a reasonable belief that 1) a potentially life-threatening situation exists and 2) delays due to consultation may increase risk of death or injury. In very limited circumstances, Emergency Notifications may be delayed at the request of law enforcement, but only when the delay does not create a risk to the community. PaceAlert Emergency Notifications shall contain appropriate protective action instructions, such as evacuation or shelter-in-place orders.

The Associate Vice President of Safety and Emergency Management and the Director of Emergency Management are responsible for developing Emergency Alert procedures and templates. PaceAlert Emergency Notifications will be used only when there is an unexpected threat to safety, which has not been contained or controlled, and when immediate protective action is required. When the incident is stabilized, an "all clear" PaceAlert message shall be issued by the Associate Vice President of Safety and Emergency Management or Director of Emergency Management. This information will also be posted on the [Pace University website](#).

PaceAlert will not be used for non-emergency notifications such as lane closures, routine crime updates, minor building maintenance issues, situations where a threat does not exist, and situations where notification is merely a convenience or when Pace University's main website is the most appropriate communication method. PaceAlert will not replace Pace University's main website ([www.pace.edu](http://www.pace.edu)) for non-urgent messages. The PaceAlert system will be tested twice a year, once each during the spring and fall semesters. The PaceSafe app and social media will serve as additional distribution systems and are used to disseminate emergency information to the larger community. All authorized users of PaceAlert may issue Emergency Notifications for their impacted campus. Authorized users will determine the content of the notification, to include all information that would promote safety and enable members of the Pace Community to protect themselves. If there is potential that a large segment of the community will likely be affected, then the entire Pace Community may be notified. The decision to alert additional campuses requires approval from the Associate Vice President of Safety and Emergency Management or Director of Emergency Management. The Pace Alert system maintains a record of all messages sent to the Pace Community.

## **Response and Evacuation Policy and Procedure**

Pace University conducts a campus-wide test of its emergency response and evacuation procedures at least three times a year utilizing unannounced and announced fire drills. It is the current practice to conduct these drills in September, February, summer session and an extra drill at the residential housing units. In accordance with NYS Education Law Section 807, fire drills are used to familiarize building occupants on campus evacuation procedures and emergency assembly areas. All drills conducted are documented on fire drill observation forms and then evaluated. Emergency procedures and evacuation guides are accessible via the PaceSafe App and the Security and Emergency Management webpage for the Pace Community. The University will publicize at least once each calendar year its emergency management and evacuation procedures in conjunction with at least one campus-wide test of its emergency response and evacuation procedures. The University will publicize such procedures through [Pace's Safety and Security website](#) and the PaceSafe smartphone app.

## Drug and Alcohol Policy and Procedure

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.

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

### **The Pace University Guiding Principles of Conduct includes the following:**

#### Alcohol and Other Drugs

##### A. Alcohol

- A1. Underage Alcohol Use: Consumption of alcohol by any member of the University community who is under the age of twenty-one is illegal and prohibited on University premises and at university-sponsored events. Supplying alcohol in any quantity to a member of the University community who is under the age of twenty-one is illegal and prohibited.
- A2. Intoxication: Members of the University community are not permitted to be intoxicated, or to become intoxicated, while on university premises or at a University-sponsored event.
- A3. Alcohol at University Events: Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on University premises or at University-sponsored events unless approved by the Dean for Students Office.
- A4. In the Presence of Alcohol: Students under the age of twenty-one should not be in the presence of Alcohol.

##### B. Drugs

- B1. Sale of Drugs: The unlawful sale, distribution and/or manufacture of controlled substance and/or drug paraphernalia on University premises or at University sponsored events is prohibited.
- B2. Possession of Drugs: The unlawful possession of controlled substances and/or drug paraphernalia on University premises or at University sponsored events is prohibited.
- B3. Use of Drugs: The use of controlled substances and drug paraphernalia on University premises or at University sponsored events is prohibited.
- B4. In the Presence of Drugs: Persons not using or possessing controlled substances and/or drug paraphernalia, should not be in the presence of those who are.

For students residing in our residence halls, policies related to alcohol in the residence halls can be located in the Guide to Residential Living. This is distributed each year to all residents.

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.

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## **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.

**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.

Information regarding the possible effects of various controlled substances and alcohol, including the effects of an overdose and withdrawal, is available on the [U.S. Department of Justice website](#).

## 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. Penalties for trafficking in controlled substances are considerably more severe than those for the possession of a personal use amount of a controlled substance. Information regarding these penalties is available at the website of the [U. S. Department of Justice, Drug Enforcement Administration](#). 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](#), 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 underage 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 Department of Motor Vehicles website](#).

## **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, educational sanctions, probation, suspension, dismissal and expulsion from University housing and/or the University. The sanctions imposed on an employee may include the termination of their 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. Sanctions include, but are not limited to, educational sanctions, probation, suspension from housing or University, dismissal, or expulsion. In addition to probation, suspension, dismissal and expulsion from University housing and/or the University.

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

1<sup>st</sup> Offense or 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 resident hall or University probationary period; conduct points; reflection paper; participation in an alcohol prevention program (e.g., Under the Influence/Marijuana 101).

2<sup>nd</sup> Offense or 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, conduct points; participation in an alcohol prevention program (e.g., Under the Influence 101); a resident hall or University probationary period up to six (6) months; parental notification; AOD Assessment; guest restriction; other educational sanctions.

3<sup>rd</sup> Offense or 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, AOD re-assessment; conduct points; suspension; dismissal or expulsion from the University and/or University housing.

### **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 and/or referrals by contacting Aetna's Employee Assistance Program (EAP) at 1 (888) 238-6232 or the [Resources For Living website](#) (Username: Pace University, Password: EAP).

Resources for students who are seeking counseling or referrals include the Counseling Center: (212) 346-1526 in NYC; (914) 773-3710 in Pleasantville; University Health Care (212) 346-1600 in New York; (914) 773-3760 in Pleasantville; and the Dean for Students: (212) 346-1306 in NYC; (914) 773-3351 in Pleasantville. More details about the Counseling Center and [information about Treatment Centers](#) can be found on the Counseling Center web page.

Other resources available to all members of the University community include the Counseling Center: (212) 346-1526 in New York; (914) 773-3710 in Westchester); and University Health Care: (212) 346-1600 in New York; (914) 773-3760 in Westchester).

### **Amnesty through Responsible Action**

At Pace University, the wellbeing of students is of primary importance. Each student plays a critical role in creating a community of care. Pace encourages students and student organizations to ensure the well-being of others by taking responsible steps to seek assistance for individuals who are intoxicated/impaired (including themselves). When this occurs, the University honors that care by prioritizing educational and supportive responses. The University will not hold students or student organizations who take such action (for themselves or others), or for whom such action is taken, accountable for violations of the University's alcohol and other drug policies (except for driving under the influence).

To be eligible for Amnesty through Responsible Action you must:

1. **CALL** for help: In medical emergencies, immediate action should be taken by calling Campus Security: (212) 346-1800 in New York; (914) 773-3400 in Pleasantville; (914) 422-4300 in White Plains. In non-emergency situations, responding staff or emergency personnel can also be sought by contacting, for students in residence halls, your Resident Assistant on-duty (phone number varies by building).
2. **STAY** with the person until responding staff or emergency personnel arrive and you have been told your assistance is no longer needed.
3. **COOPERATE** with responding staff or emergency personnel, including all requests for information and assistance.

In a situation where a student or member(s) of a student organization takes responsible action (for themselves or for others) and calls, stays, and cooperates, or has such action taken for them, the responding party (e.g., Security, Resident Assistant, Emergency Personnel) will fully document the incident. Students will be asked to provide their name, UID, and contact information to the responding party(ies). Students and if applicable, student organizations will receive a notice from the Office of Community Standards and are expected to attend a meeting with a staff member regarding the incident.

If it is determined through this meeting that the student or student organization followed all required steps to be eligible for Amnesty through Responsible Action, the student or student organization will not be held accountable for alcohol or other drug related policy violation (except for driving under the influence). The student or student organization may still be asked to complete an alcohol or other drug intervention and to complete educational activities. For example, a student or may be required to participate in Alcohol Edu or alcohol and other drug evaluation for substance abuse through the Counseling Center. Student organizations may be asked to participate in educational activities. Amnesty through Responsible Action applies only to alcohol and other drug related policies. If other policy violations occurred, or may have occurred, the student or student organization will participate in the student conduct process related to those policies and may be found responsible.

For Amnesty through Responsible Action to apply, the student or student organization must agree to timely completion of any educational assignment, recommended assessment, and/or treatment. If a student who receives medical assistance fails to complete the required course of action, or exhibits a

pattern of problematic behavior with alcohol, that student or student organization may be subject to formal disciplinary action.

As with any incident involving alcohol, parents of students under the legal drinking age will be notified of the 2nd offense and/or any alcohol or drug transport to the hospital. A student organization that facilitates the acquisition of alcohol may also be required to notify its advisor, provide an educational program for its members, and/or change its processes for hosting events.

Should the student or student organization be found responsible for a subsequent violation of Pace University policy, any Amnesty through Responsible Action the student has received will be reviewed for the purposes of determining an appropriate outcome but will not be counted as a prior violation.

*If a student or student organization is involved in multiple incidents in which Amnesty through Responsible Action is received or determined, disciplinary action may be taken if the student is found to be repeatedly placing themselves or others at risk.*

Below are the drug and alcohol-abuse and educational programs, workshops, trainings and materials that are provided on the New York campus and/or Westchester campuses:

- **Use, Misuse, and Abuse of Prescription Drugs** - educational workshop.
- Alcohol and Other Drug-related topics presentations/workshops to student organizations and residence halls.
- Consultation to Staff, Faculty, Administrators, Students and Family Members: How to Intervene, Assist, and Refer.
- Alcohol and Other Drug Assessments in response to violations of the University AOD Policy.
- **Oktoberfest** – educational programming designed to help students find alternative ways to have a good time without drugs or alcohol.
- **E-CheckUpToGo for Alcohol and Marijuana** – A personalized, evidence-based, online prevention intervention educational tool. Administered to all incoming new and transfer undergraduate students on the Pleasantville and New York City campuses during Orientation.
- **Narcan Training** - This workshop covers the current heroin/opioid epidemic and the life-saving action of administering NARCAN to counteract a possible opioid overdose.

## Missing Student Notification Policy and Procedure

Pace University defines a missing student as a student who resides in University owned or operated housing facilities who has been missing for longer than 24 hours. If a member of the Pace University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify a member of the Safety and Security Department, Residential Life, and the Dean for Students Office.

<p><b>New York Campus</b>  <b>Safety and Security</b>  (212) 346 1800</p> <p><b>Dean for Students</b>  (212) 346 1306</p> <p><b>Office of Residential Life</b>  (212) 346 1295</p>	<p><b>Pleasantville Campus</b>  <b>Safety and Security</b>  (914) 773 3400 or 3700</p> <p><b>Dean for Students</b>  (914) 773 3351</p> <p><b>Office of Residential Life</b>  (914) 597 8777</p>	<p><b>Haub Law Campus</b>  <b>Safety and Security</b>  (914) 422 4300</p> <p><b>Dean for Students</b>  (914) 422 4146</p> <p><b>Office of Residential Life</b>  (914) 422 4136</p>
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Pace University Safety and Security Department will prepare a report and begin an investigation. In situations where the Safety and Security Department receives a report of a student missing less than 24 hours, it may, in coordination with Residential Life and Dean for Students, conduct a brief investigation of the missing student report.

Within 24 hours of the Safety and Security Department receiving a missing resident student report, unless the student is located through the brief investigation, the Safety and Security Department, in coordination with Residential Life and the Dean for Students, will initiate steps to locate the person by making contact with the person’s designated confidential contact or custodial parent/guardian (if under 18 years of age and not emancipated). Additionally, Safety and Security will contact local law enforcement agencies as soon as practicable but in no case more than twenty four hours after a determination was made that a student who resides in housing owned or operated by the University is missing (unless local law enforcement made the determination that the student was missing).The Safety and Security Department will support the investigation by local law enforcement as needed.

All students living in Pace University housing facilities are asked to provide emergency contact through the Housing Application, The Housing Agreement, and the Pre-Arrival Form (students may update their emergency contact information when they submit each of these required forms). The individual(s) identified as emergency contact may be contacted in the event they are reported missing for a period longer than 24 hours. Only authorized campus officials and law enforcement officers will be permitted to have access to this information in furtherance of a missing person investigation.

**Further Information Regarding Response to Reports of Certain Incidents**

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 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 assist them in getting prompt medical treatment, if necessary.
2. The immediate notification to the appropriate local law enforcement agency and the Director of Safety and Security.
3. Identification and apprehension (if possible) of responsible person(s).
4. Statements from victim(s) and eyewitness(es) regarding basic facts relating to the criminal offense, 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.

## **Sex-Based Misconduct Policy and Procedure**

### **POLICY STATEMENT**

Pace University is committed to maintaining a safe and supportive working and learning environment for all community members. The Office of Institutional Equity/Title IX Compliance is responsible for processing allegations of harassment and discrimination, including sex-based harassment, and works collaboratively across the University with students, staff and faculty to achieve its mission of ensuring a campus environment where all members of the community have equitable access to academic and professional opportunities. In accordance with Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by the Violence Against Women Act ("VAWA")/Campus Sexual Violence Act ("Campus SaVE Act"), and Article 129-A and Article 129-B of the New York State Education Law ("Enough is Enough"), Pace University prohibits all forms of sex-based misconduct, including sex-based harassment. 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 obligations and that investigatory and disciplinary procedures are prompt, fair, and impartial.

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.

This Policy and Procedure does not constitute a contract and can be amended at any time in the University's sole discretion.

**The University's Title IX Coordinator is Bernard Dufresne, Assistant Vice President, Office of Institutional Equity/Title IX Compliance, 41 Park Row, 14th floor, (212) 346-1310; [bdufresne@pace.edu](mailto:bdufresne@pace.edu).**

#### **NOTICE OF NON-DISCRIMINATION**

Pace University does not discriminate on the basis of race, color, creed, national origin, ethnicity, ancestry, religion, age, height/weight, caregiver status, sex (including gender, gender identity, sex characteristics, sex stereotypes, sexual orientation, and past/present/potential pregnancy, childbirth, and related conditions), marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a survivor of domestic violence/stalking/sex offenses, or any other legally prohibited basis in accordance with federal, state, and local laws in any education program or activity that it operates, including in admission and employment.

Inquiries about sex-based misconduct may be referred to:

1. Bernard Dufresne, Assistant Vice President in the Office of Institutional Equity/Title IX Compliance who serves as Pace University's Title IX Coordinator. The Office of Institutional

Equity/Title IX Compliance is located on the 14<sup>th</sup> floor of 41 Park Row on the New York City Campus and in Room 133 in Elm Hall on the Pleasantville Campus. The Title IX Coordinator can be reached by phone at (212) 346-1310 or email at [bdufresne@pace.edu](mailto:bdufresne@pace.edu) or [titleix@pace.edu](mailto:titleix@pace.edu).

2. The U.S. Department of Education's Office for Civil Rights Assistant Secretary of the Office for Civil Rights ("OCR"), U.S. Department of Education, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue SW, Washington, DC 20202-1100. You may call the OCR main numbers toll free at (800) 421-3481 or (800) 877-8339 (TDD).

## **POLICY AND PROCEDURE SUMMARY**

This Policy prohibits all forms of sex and gender-related misconduct, referred to here as "sex-based misconduct". A person who has experienced sex-based misconduct has several options:

1. **A report to a Confidential Resource.** A confidential resource provides emotional support and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a University investigation or any other University action to respond to the incident.
2. **A report to a Non-Confidential Employee.** All non-confidential employees at the University are required to report sex-based misconduct to the Title IX Coordinator. Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will attempt to contact the Complainant to inform them of their rights, their options, and the resources available to them, including the following:
  - **Supportive Measures.** Supportive measures are intended to support the individual who experienced sex-based misconduct to continue in their involvement in the University's program and activities. Supportive measures may include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential or work accommodations. A person who experiences sex-based misconduct may request supportive measures without having to file a formal complaint or they may request supportive measures at any time while seeking informal resolution or using the formal grievance procedure.
  - **Informal Resolution.** An informal resolution is a resolution that the parties (i.e., the person making the allegations and the accused person) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to accept an informal resolution. This is a voluntary process.
  - **Grievance Procedure.** The University's grievance procedure includes an investigation and adjudication process. The outcome of a grievance process is either that the person accused of sex-based misconduct is found either responsible or not responsible for having committed a violation of this Policy. A violation results in appropriate sanctions and other remedies to address the violation.
3. **A report to Law Enforcement.** If an incident involves criminal conduct, the victim may make a complaint to law enforcement and be assisted by campus authorities in notifying law enforcement. The victim may also decline to notify such authorities.

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not others. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the University. An individual may report to the University and also

make a report to law enforcement or may make a report to only the University or only to law enforcement.

Anyone with questions about their options is encouraged to reach out to Bernard Dufresne, Assistant Vice President, Office of Institutional Equity and Title IX Coordinator at (212) 346-1310 or [bdufresne@pace.edu](mailto:bdufresne@pace.edu). The Office of Institutional Equity/Title IX Compliance is located on the 14<sup>th</sup> floor of 41 Park Row on the New York City Campus and in Room 133 in Elm Hall on the Pleasantville Campus.

## **SEX-BASED MISCONDUCT DEFINITIONS**

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation, and adjudication of alleged violations. This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., "Title IX Category" violations) and also applies to a broader range of contexts and behaviors inconsistent with the University's commitment to equal opportunity (i.e., "University Category" violations).

The designation of conduct or allegations as either "Title IX Category" or "University Category" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the University's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

The Title IX office looks at the following when determining whether the conduct falls under "Title IX Category" or "University Category":

- Where did the incident take place?
- Were the Complainant and Respondent actively affiliated with the university (e.g. employed/enrolled students or employees) at the time that the complaint was filed?
- Did the incident occur after August 2020?
- Does the sex-based misconduct meet the definition of a "Title IX Category" or "University Category"?
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## **TITLE IX CATEGORY VIOLATIONS (Category A Cases)**

Title IX of the Education Amendments of 1972 provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In accordance with Title IX as interpreted by the Department of Education, the University recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the Complainant was in the United States at the time of the alleged conduct, that the Complainant be participating in or seeking to participate in the University's education program or activity at the time of the complaint, and that the conduct have occurred in the context of the University's education program or activity:

1. **Sexual harassment.** "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- a. **Quid pro quo:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo"); or
- b. **Hostile environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the University's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").
- c. **Sexual assault:** "Sexual assault" is a sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault consists of the following specific acts:
  - Non-consensual sexual intercourse (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. This offense includes conduct committed against both males and females.
  - Non-consensual sexual contact (fondling): The touching of the private body parts<sup>1</sup> 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: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
- d. **Dating violence:** "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
- e. **Domestic violence:** "Domestic violence" means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

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<sup>1</sup> Private body parts include: genital area, anus, groin, buttocks or breast, and the prohibited conduct includes contact over or under clothing.

- f. **Stalking:** "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.<sup>2</sup>

### **UNIVERSITY CATEGORY VIOLATIONS (Category B Cases)**

The below conduct is prohibited even if the conduct occurs off-campus, outside the United States, the Complainant is not participating or seeking to participate in the University's education program or activity, or otherwise in circumstances over which the University does not have influence or control, including but not limited to during University academic breaks. 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. Therefore, a University Category violation may occur even if the prohibited conduct occurs off-campus or during an employee's or student's or third party's off duty time.

The University retains discretion to not respond to, investigate or adjudicate circumstances in which no University interest is implicated.

2. **Sexual harassment.** "Sexual harassment" means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. 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 they welcome 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

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<sup>2</sup> Course of conduct means at least two instances of unwanted actions—such as following, monitoring, surveilling, communicating, or threatening. Substantial emotional distress means significant mental suffering or anguish.

sensibilities (hostile environment sexual harassment).

Examples of behaviors that may constitute sexual harassment include, but are not limited to:<sup>3</sup>

- 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 determine whether sex-based harassment rises to the level of a University Category Violation, 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. A single instance of sex-based harassment may be sufficient to constitute University Category sexual harassment. Likewise, a series of incidents may be sufficient even if each instance of the sex-based misconduct is not particularly severe.

Sexual harassment is harassment "based on sex" which may consist of behavior that is not sexual in nature but that belittles or shows hostility or aversion toward an individual because of gender. 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.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a "reasonable person" standard and considers the totality of the circumstances. The University considers the context of a communication or incident and the relationship of the individuals involved in the communication or incident.

3. **Sexual assault.** "Sexual assault" is a sexual act directed against another person, without the

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<sup>3</sup> The examples of conduct listed here also may apply to Title IX Category sexual harassment, depending on the circumstances, including whether the conduct occurred in the context of the University's educational program or activities.

consent of the victim, including instances where the victim is incapable of giving consent but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). Sexual assault consists of the following specific acts: Sexual assault consists of the following specific acts:

- a. Non-consensual sexual intercourse (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. This offense includes conduct committed against both males and females.
- b. Non-consensual sexual contact (fondling): The touching of the private body parts<sup>4</sup> 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. This also may include forcing or causing another to touch one's own private body part(s) without consent.
- c. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

4. **Dating violence.** "Dating violence" means violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. This includes dating violence that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity).

5. **Domestic violence.**<sup>5</sup> "Domestic violence" means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse

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<sup>4</sup> Private body parts include: genital area, anus, groin, buttocks or breast. The definition includes contact over or under clothing.

<sup>5</sup> [Information about New York State Domestic Violence related laws is available online.](#)

or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). 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.

6. **Stalking.** "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of the basis on which it occurs or the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity).<sup>6</sup>
  
7. **Sexual Exploitation.** Sexual Exploitation occurs when, without Affirmative Consent (defined below), 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 disease 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.
  
8. **Retaliation.** 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, or 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.

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<sup>6</sup> Course of conduct means at least two instances of unwanted actions—such as following, monitoring, surveilling, communicating, or threatening. Substantial emotional distress means significant mental suffering or anguish.

## **GENERAL DEFINITIONS**

**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 they have 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. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.

All references to "consent" in this policy refer to "Affirmative 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.

**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.

**Advisor of Choice.** An Advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. An Advisor of choice may be any person, including an attorney. The institution does not appoint or pay for an Advisor of choice. An Advisor of choice's role is limited to the functions further described in this policy.

**Institutional Advisor.** A Complainant or Respondent who does not opt to be accompanied by an Advisor of choice at a hearing is entitled to be appointed an Advisor by the University at no charge to the party. This Advisor is referred to an "Institution Advisor" who may be but need not be an attorney. An institution Advisor's role is to ask cross-examination questions of the other party during a hearing. An Institution Advisor does not represent a party in any legal sense. At a hearing, an Institution Advisor is allowed the same right of participation as an Advisor of choice. The party is responsible for formulating the cross-examination questions the Institution Advisor will pose during the hearing.

**Complainant.** The term Complainant refers to the person who allegedly experienced the sexual misconduct in violation of the policy whether or not a formal complaint is filed. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the "Complainant."

**Respondent.** The term Respondent refers to the person alleged to have committed a violation of this policy.

## **MEDICAL ATTENTION AND EVIDENCE PRESERVATION**

In incidents of sexual assault, domestic violence, dating violence or stalking, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. Evidence of violence, such as bruising or other visible injuries, following an incident should be documented, including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voicemail, or other electronic communications should also be saved and not altered in any way.

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. A medical exam obtained from a hospital or sexual assault response center can diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or possibility of pregnancy) and properly collect and preserve evidence. Victims should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed. Victims should strive not to touch or alter any evidence of struggle, even if the assault took place at the victim's home.

To gain assistance in getting to an emergency room, a victim can call 911 or notify Pace University Safety and Security: New York City Campus, 161 William Street, 1st floor (212) 346-1800; Pleasantville Campus, Alumni Hall (914) 773- 3400; or Haub Law Campus, Preston Hall (914) 422-

4300. More information about emergency response is located on the [Security and Emergency Management website](#).

Medical staff are Confidential Resources, which means that communications with medical staff are not disclosed. 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.

**AVAILABLE MEDICAL FACILITIES**

<b>NEW YORK CITY CAMPUS</b>	<b>PLEASANTVILLE AND HAUB LAW CAMPUSES</b>
<b>University Health Care</b> 161 William Street, Room 212 Phone: (212) 346-1600	<b>University Health Care</b> Paton House, Ground Floor Phone: (914) 773-3760
<b>Bellevue Hospital Center Rape Crisis Program</b> 462 First Avenue, Room 408 967 Phone: (212) 562-3755	<b>Montefiore Mount Vernon Hospital</b> 12 North 7th Avenue, Mount Vernon Phone: (914) 664-8000
<b>Bellevue Hospital Center</b> 462 First Avenue Phone: (212) 562-4141 or (212) 562-4347	<b>Montefiore New Rochelle Hospital</b> 16 Guion Place, New Rochelle Phone: (914) 632-5000
<b>Domestic and Other Violent Emergencies Program</b> 622 West 168th Street Phone: (212) 305-9060	<b>New York–Presbyterian Hudson Valley Hospital</b> 1980 Crompond Road, Cortlandt Manor Phone: (914) 737-9000
<a href="#">Mount Sinai Medical Center Sexual Assault and Violence Intervention Program (SAVI)</a> One Gustave Levy Place Phone: (212) 423-2140	<b>New York-Presbyterian Westchester</b> 55 Palmer Avenue, Bronxville Phone: (914) 787-1000
<b>Mount Sinai Morningside</b> 1111 Amsterdam Avenue at 114th Street Phone: (212) 523-4000	<b>Northern Westchester Hospital</b> 400 East Main Street, Mount Kisco Phone: (914) 873-0902
<b>Mount Sinai West</b> 1000 Tenth Avenue at 58th Street Phone: (212) 523-4000	<b>Phelps Memorial Hospital</b> 701 North Broadway, Sleepy Hollow Phone: (914) 366-3000
<b>New York–Presbyterian Hospital/Columbia Campus</b> 622 West 168th Street Phone: (212) 305-2500	<b>St. John’s Riverside Hospital</b> 967 North Broadway, Yonkers Phone: (914) 964-4444
<b>New York–Presbyterian Hospital/Weill Cornell Medical Center</b> 525 East 68th Street Phone: (212) 746-5454	<b>Westchester Medical Center</b> 100 Woods Road, Valhalla Phone: (914) 493-7000
<a href="#">New York–Presbyterian/Lower Manhattan Hospital</a> 170 William Street Phone: (212) 312-5000 (Available 24/7)	<b>White Plains Hospital Center</b> 41 East Post Road, White Plains Phone: (914) 681-0600
<b>NYC Health + Hospitals/Harlem Center for Victim Support</b> 506 Lenox Avenue Phone: (212) 939-4621 or (212) 939-4613	
<b>NYC Health + Hospitals/Harlem</b> 506 Lenox Avenue Phone: (212) 939-1000.	

<b>Rape Crisis &amp; Domestic Violence Intervention Program</b>	
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Department of Social Work 317 East 17th Street Phone: (212) 420-4516.	
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## **CONFIDENTIAL RESOURCES**

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 they 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."

### **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. Similarly, a report of sexual abuse of a minor under 17 years of age in the context of a University program, activity or facility will not be treated as confidential.) A list of confidential resources is provided below, 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 the Title IX Coordinator. A University employee who is a non-confidential resource will disclose to as few individuals as possible, but a non-confidential resource cannot promise that they will not tell others within the University, including the Title IX Coordinator, about the sex-based misconduct information that has been shared with them. At a minimum, a non-confidential resource will share all relevant information with the Title IX Coordinator.

## **REPORTING TO THE UNIVERSITY**

The following section discusses the various ways of reporting sex-based misconduct to the University. Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will attempt to contact the Complainant to inform them of their rights, their options, and the resources available to them, and will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of supportive measures regardless of whether a complaint is filed and/or any resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;

- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from campus safety or local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during University proceedings under this policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process is prohibited; and
- Information on how to initiate an Investigation or Informal Resolution Process.

If you are experiencing an emergency, please dial 9-1-1 for immediate assistance.

1. **A report to a Non-Confidential Employee at Pace University:** Although all non-confidential employees have the responsibility to report sex-based misconduct to the Title IX Coordinator, the University strongly encourages reaching out to the following offices directly to report sex-based misconduct:
2.
  - Pace University’s Title IX Coordinator
  - The Office of Safety and Security
  - Human Resources
  - The Vice President for Student Affairs and/or Dean for Students

<b>New York City Campus</b>	<b>Pleasantville Campus</b>	<b>Haub Law Campus</b>
<b>University Safety and Security</b> 161 William Street, 1st floor Phone: (212) 346-1800 Available 24/7	<b>University Safety and Security</b> Alumni Hall Phone: (914) 773-3400 Available 24/7	<b>University Safety and Security</b> Preston Hall Phone: (914) 422-4300 Available 24/7
<b>Office of the AVP/Dean for Students, Student Affairs</b> 41 Park Row, 9 <sup>th</sup> Floor, Rm 907 Phone: (212) 346-1306	<b>Office of the AVP/Dean for Students, Student Affairs</b> Kessel Student Center Phone: (914) 773-3351	<b>Dean for Students</b> Aloysia Hall Phone: (914) 422-4146
<b>Office of Institutional Equity and Title IX Compliance</b> 41 Park Row, 14 <sup>th</sup> Floor Phone: (212) 346-1310	<b>Office of Institutional Equity and Title IX Compliance</b> Elm Hall, Room 133 Phone: (212) 346-1310	<b>Office of Institutional Equity and Title IX Compliance</b> Elm Hall, Room 133 Phone: (212) 346-1310
<b>Residential Life and Housing</b> 15 Beekman Street 14th Floor Phone: (212) 346-1295 Available 24/7	<b>Residential Life and Housing</b> Elm Hall, Suite 132 Phone: (914) 597-8777 Available 24/7	<b>Residential Life and Housing</b> Dannat Hall Phone: (914) 422-4107 Available 24/7
<b>Human Resources</b> 161 William St, 16th Floor Phone: (914) 923-2730	<b>Human Resources</b> Goldstein Academic, 1st Floor Phone: (914) 923-2730	<b>Human Resources</b> Goldstein Academic 1 <sup>st</sup> Floor Phone: (914) 923-2730

3. **A Report to a Confidential Employee:** A confidential resource does not reveal the information shared with them without the disclosing person’s consent or as otherwise permitted/required by law. 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, and counseling services noted below are available to students free of charge.

## ON CAMPUS CONFIDENTIAL RESOURCES

NEW YORK CITY CAMPUS	PLEASANTVILLE AND HAUB LAW CAMPUSES
<b>Pace University Counseling Center</b> 161 William Street, 7th Floor Phone: (212) 346-1526 Available 24/7	<b>Pace University Counseling Center</b> Administrative Center Phone: (914) 773-3710 Available 24/7
<b>Office of Sexual and Interpersonal Wellness</b> Phone: (212) 346-1931	<b>Office of Sexual and Interpersonal Wellness</b> Phone: (914) 773-8783
<b>University Health Care</b> 161 William Street, Room 212 Phone: (212) 346-1600	<b>University Health Care</b> Paton House, Ground Floor Phone: (914) 773-3760
	<b>Pace Women's Justice Center</b> 78 North Broadway Helpline: (914) 287-0739

## OFF-CAMPUS RESOURCES (CONFIDENTIAL AND NON-CONFIDENTIAL)

NEW YORK CITY CAMPUS	PLEASANTVILLE AND HAUB LAW CAMPUSES
<a href="#"><u>Anti-Violence Project (AVP) Resource for LGBTQ+ Survivors</u></a> Phone: (212) 714-1141	<a href="#"><u>Anti-Violence Project (AVP) Resource for LGBTQ+ Survivors</u></a> Phone: (212) 714-1141
<b>New York City Police Department – Sex Crimes Report Line</b> (Available 24/7) Phone: (212) 267-7273	<b>Mental Health Association of Westchester – Rape Hotline</b> (Available 24/7) Phone: (914) 345-9111
<a href="#"><u>New York State Coalition Against Sexual Assault</u></a> (Available 24/7) Phone: (800) 942-6906	<a href="#"><u>New York State Coalition Against Sexual Assault</u></a> (Available 24/7) Phone: (800) 942-6906
<a href="#"><u>NYC Alliance Against Sexual Assault</u></a> 32 Broadway, Suite 1101, New York, NY 10004 Phone: (212) 229-0345 Email: <a href="mailto:contactus@svfreenyc.org">contactus@svfreenyc.org</a>	<b>New York State Police Hotline</b> Phone: (844) 845-7269
<b>RAINN</b> – Rape, Abuse & Incest National Network (Available 24/7) Phone: (800) -656-HOPE (4673)	<b>Putnam/Northern Westchester Women's Resource Center</b> Email: <a href="mailto:info@pnwwrc.org">info@pnwwrc.org</a> Phone: (845) 628-9284 / 24-HR Crisis Line: (845) 628-2166
<a href="#"><u>Safe Horizon</u></a>	<b>RAINN</b> – Rape, Abuse & Incest National Network (Available 24/7) Phone: (800) 656-HOPE (4673)
	<b>Special Prosecutions Division</b> Westchester County District Attorney's Office Phone: (914) 995-3000
	<a href="#"><u>Victim's Assistance – Westchester Community Opportunity Program, Inc</u></a> (Available 24/7) Phone: (855) 827-2255
	<b>Victims Assistance Services – Westchester Community Opportunity Program</b> 2269 Saw Mill River Road, Building #3, Elmsford, NY Office Phone: (914) 345-3113 Hotline: (800) 726-4041

4. **Guardian: Pace University's Online Reporting form:** Pace University community members are encouraged, but not required, to use the University's online reporting system to make a report of sex-based misconduct. Once the report is submitted, it will be routed to the Title IX Office. The reporting form can be found here: [Online Reporting System](#).

## **SUPPORTIVE MEASURES**

Once a report is made to a non-confidential employee (e.g. resident assistant or academic advisor) under this Policy, the complainant will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. A report that triggers supportive measures does not have to be a formal complaint or reported to campus police or local law enforcement, and may be made by a third-party (i.e., someone other than the Complainant). The University will keep supportive measures confidential unless disclosure is necessary to provide the service. If the Respondent is informed of a report, or when the Respondent is informed of a formal complaint, the Respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below.

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties.

Supportive measures could include, but are not limited to:

- Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty;
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available;
- Mutual "No Contact" orders and, possibly, in rare cases, such as when legal restraining orders or orders of protection have been issued, one-way no contact orders. A no contact order, whether mutual or one-way, is non-disciplinary in nature, and the imposition of such an order is not and will not be viewed as an indication of the merits of the allegations;
- Access to campus escorts or other reasonable security or monitoring measures;
- Counseling services; and
- Interim removal of a student from the University will only be done pursuant to the Emergency Removal protocol, discussed below.

The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various University departments and offices that may be involved. Supportive measures will be offered free of charge.

If a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. Information about how to request a review will be included in a written communication that will outline the supportive measures offered and any that were requested by the party but denied.

## **EMERGENCY REMOVAL**

In some cases, the University may undertake an emergency removal of a Respondent in order to protect the safety of the University community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to a Respondent's responsibility for the sexual harassment allegations; rather, the emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which arise out of the sexual harassment allegations.

Prior to removing a Respondent through the emergency removal process, the University will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of anyone, including a student, the Respondent, or other individual exists arising from the allegations of sexual harassment, then a Respondent may be removed.<sup>7</sup> This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining that a student Respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If a student Respondent disagrees with the decision to be removed from campus, the Respondent may appeal the decision. The Respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Dean for Students of the Respondent's home campus within 10 calendar days of receiving the notice of removal. The decision concerning the appeal will be made by the Dean for Students of the Respondent's home campus in consultation with the Title IX Coordinator. The burden of proof is on the student Respondent to show that the removal decision was incorrect.

## **ADMINISTRATIVE LEAVE**

Employee Respondents may be placed on administrative leave pursuant to University policies and/or collective bargaining agreements during the pendency of a sex-based misconduct grievance process. Administrative leave can only begin after a formal complaint has been filed against the Respondent and is meant for non-emergency situations.

## **GRIEVANCE PROCEDURES**

This section defines a formal complaint and discusses the steps that take place after a formal complaint has been filed and the options that are available to a Complainant.

### **1. Filing a Formal Complaint**

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<sup>7</sup> If the Respondent's actions pose an immediate threat, but do not "arise from allegations of sexual harassment," the University may respond under its code of conduct or in accordance with applicable policies and laws.

A formal complaint is necessary to initiate the University's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the Complainant. A third party or anyone other than the victim of the misconduct may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian of a minor person.

A formal complaint is a document filed by a Complainant or signed by the University's Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation. The Respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the University. A formal complaint may be filed with the Title IX Coordinator in person, by mail, electronic mail, or by using the University's [online reporting system](#). The University's Title IX Coordinator is **Bernard Dufresne, Assistant Vice President, Office of Institutional Equity and Title IX Compliance 41 Park Row 14<sup>th</sup> floor, (212) 346-1310**.

In order to qualify as a formal complaint, the document must contain the Complainant's physical or electronic signature or otherwise indicate that the Complainant is the person filing the formal complaint.

If a Complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the Complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint. In such cases, the Title IX Coordinator is not considered to be a Complainant or other party under this Policy.

The Title IX Coordinator will consider the wishes of the Complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the Complainant.

In making this determination, the Title IX Coordinator will consider, among other factors, 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.

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator. The Title IX Coordinator may consult with the Office of Disability Services in deciding whether to grant a disability accommodation request.

## **2. Early Dismissal**

The Title IX Coordinator will review a formal complaint filed by a Complainant. In order to comply with Title IX regulations, the Title IX Coordinator must “dismiss” the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute a Title IX violation, even if proved,
- did not occur in the University’s education program or activity, or
- did not occur against a person in the United States.

Even if a Title IX Category violation is subject to dismissal, the University may continue to process the allegations as University Category violations, assuming that the allegations, if true, would constitute University Category violations.

Additionally, the Title IX Coordinator may dismiss a formal complaint if they determine that:

- the conduct alleged would not constitute a University Category violation even if proved or that there is otherwise no merit to the allegation(s), or
- the Respondent is not enrolled at the University and is not employed by the University.<sup>8</sup>

Notice of dismissal will be in writing and issued simultaneously to both the Complainant and Respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category or University Category violation. A decision to dismiss a Title IX Category or University Category violation is immediately appealable by the Complainant and Respondent, by filing an appeal with the Title IX Coordinator, which will be decided by the Appeal Officer(s) as designated in the Appeal section of this Policy.

## **3. Informal Resolution**

Pace University offers a voluntary informal resolution process that allows for a less time-consuming and more flexible approach to resolving a complaint. The Informal Resolution may be offered to the parties **after** a formal complaint is filed by the Complainant and is available at any time prior to a determination. The University reserves the right not to offer Informal Resolution in cases where the University determines Informal Resolution to be inappropriate based on the allegations or other circumstances (including but not limited to a situation where an employee is alleged to have committed sex-based misconduct against a student).

- Both parties must voluntarily agree in writing to participate in the informal process, and the

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<sup>8</sup> Instead, the University will take the steps it deems appropriate under the circumstances.

process can be ended at any time by either party prior to a determination. If that occurs, the Complainant will be contacted to discuss proceeding with the formal investigation and adjudication process set forth below. The Title IX Coordinator may decide to end an Informal Resolution process, including if new facts come to light, rendering an Informal Resolution inappropriate.

- No one can be forced to participate in informal resolution and declining to participate in the informal resolution process does not affect enrollment, employment, or other rights.
- If both parties consent to participate in the Informal Resolution process, the University will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be free from conflicts of interest and bias.
- If the informal resolution process is initiated, any formal grievance process is paused during the informal resolution and resumes if the process is not completed within approximately three weeks.
- While the informal process is ongoing, supportive measures will continue or be provided as needed.

An Informal Resolution leads either to an agreement between the parties or no agreement. If no agreement is reached, the Complainant is contacted to discuss the next steps in the formal investigation and adjudication process. The University reserves the right to disallow an Informal Resolution that the University finds unacceptable or inappropriate. An Informal Resolution may include disciplinary sanctions agreed to by the parties. An Informal Resolution, if achieved, will be agreed to by the parties in writing and is considered final.

**ASSIGNED INVESTIGATOR, HEARING OFFICER/DECISION-MAKER/APPEAL OFFICERS**

The following Complaint Procedure Diagram identifies the Investigator, Hearing Officer/Decision Maker and Appeal Officer(s) who will be involved in deciding the complaint. The identity of the persons appointed to a particular case varies depending upon whether the Respondent is a student, faculty member, other employee or a third party. All Investigators/Hearing Officers/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. A determination as to whether a violation of this Policy has been established is determined based on a preponderance of evidence standard. 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.

**Complaint Procedure Diagram<sup>9</sup>**

Respondent	Investigator	Decision Maker/ Hearing Officer	Appeal Officer(s)
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<sup>9</sup> In any given case, the University reserves the right to appoint an external party to serve as the Investigator, Decision Maker or Hearing Officer.

Faculty Member	Title IX Coordinator or Another Investigator From a Trained Pool	Provost (with prior opportunity for comment/recommendation from the Faculty Review Committee)	President, or their designee.
Student	Title IX Coordinator or Another Investigator From a Trained Pool	Vice President for Student Affairs or campus Dean for Students	Provost or their designee and two (2) trained University officials to be appointed by Title IX Coordinator
Staff	Title IX Coordinator or Another Investigator From a Trained Pool	Vice President for Human Resources	Vice President Finance/Controller
Third Party	Title IX Coordinator or Another Investigator From a Trained Pool	Vice President Finance/Controller	Chief Financial Officer
President or Senior Executives who Report to them	Title IX Coordinator or Another Investigator From a 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

**OBJECTIONS TO THE INVESTIGATOR, HEARING OFFICER/DECISION-MAKER/APPEAL OFFICER (S)**

The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee, a Decision Maker/Hearing Officer or Appeal Officer based on a conflict of interest, bias or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker/Hearing Officer 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 prior to any recommendation or decision being issued by the person and in no event, later than two (2) calendar days after the Respondent or Complainant, if any, learns 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 will refer the objection to the Chief Diversity Officer, who will evaluate the objection and, in consultation with the Title IX Coordinator 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 Diversity Officer in consultation with the Title IX Coordinator and University Counsel.<sup>10</sup> If the objection is to a member of the Faculty Review Committee, the Title IX Coordinator will refer the objection to the appropriate Location Faculty Grievance Committee. The Location Faculty Grievance Committee, in consultation with the Title IX Coordinator and University Counsel, shall determine whether to uphold or deny the

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<sup>10</sup> In the event that the Chief Diversity 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 and University Counsel.

objection, and if the objection is upheld, select an appropriate alternate Faculty Review Committee member. The Chief Diversity 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.

The Title IX Coordinator may determine that cases where the allegations arise out the same set of facts should be consolidated for purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single Complainant against a Respondent, or multiple complaints by a single Complainant against multiple Respondents.

## **INVESTIGATION PROCEDURE**

In the absence of an Informal Resolution, a Formal Complaint will result in an investigation.

### **A. Notice of Investigation**

The Complainant and Respondent shall receive a notice of investigation referencing the violation(s) of this policy alleged to have been committed and the range of possible disciplinary sanctions and remedies following any determination of responsibility. The notice of investigation will include, to the extent known:

- the identities of the parties involved;
- the date, time, location and factual allegations concerning the alleged violation;
- the policy provisions allegedly violated;
- a description of the investigation and adjudication process;
- potential sanctions;
- the right to an Advisor of their choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the University's "Guiding Principles of Conduct"; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process and will be provided with a copy of this Policy and will be given an opportunity to meet with the Title IX Coordinator to ask any questions they may have about the Policy before the investigation begins.

If, in the course of the investigation, the University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties.

### **B. Selection of Investigator**

In the ordinary course, the Investigator will be the Associate Director of the Title IX Office or a Deputy Title IX Investigator. However, if they are unavailable or have 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 annually 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 Diversity Officer in consultation with the Title IX Coordinator and University Counsel when appropriate.<sup>11</sup>

### **C. Investigation Procedure**

The Investigator will conduct a prompt and thorough investigation. During the investigation, the appointed Investigator will:

- give the Complainant and Respondent proper notice of the complaint and investigation and provide them with an opportunity to provide information;
- interview the Complainant, the Respondent and any material Witnesses;
- gather all relevant documentary and/or physical evidence;
- complete the investigation in a timely manner; 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 their version of the event(s) to the Investigator(s) as well as the names of Witnesses and any other evidence. However, at all times, the burden of gathering evidence remains with the University. The Investigator will have sole discretion to determine which Witnesses to interview. Neither the Complainant nor the Respondent will have the right to question any Witnesses or to be present during such questioning during the investigation stage. The Investigator may decline to interview any Witness or to gather information the Investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the Complainant with a person other than the Respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The Investigator will determine the order and method of investigation. 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 Hearing Officer can only draw conclusions from the information available. So, the failure of one party to present their 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, as well as factors that may affect availability,

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<sup>11</sup> In the event that the Chief Diversity Officer has a conflict of interest, another appropriate University Administrator will select the Investigator, in consultation with the Title IX Coordinator and University Counsel.

such as periods when the University is not in session. It is expected most investigations will be completed within sixty (60) calendar days.<sup>12</sup> At the conclusion of the investigation, the Investigator will prepare a written Investigation Report.

**D. Evidence Review**

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. They will be provided with at least ten (10) calendar days to review the evidence and submit a written response to the evidence, which the Investigator will consider prior to completion of the Investigation Report. The evidence will be made available through an electronic file sharing platform, subject to redaction permitted and/or required by law.<sup>13</sup> Prior to completion of the Investigation Report, the Investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

Parties and their Advisors are expected and urged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the Investigation. Sharing of such information in a manner that constitutes Retaliation or other Prohibited Conduct under the Policy may subject an individual to disciplinary sanctions, where appropriate.

**E. Investigator’s Report**

Following the completion of the investigation, the Investigator will prepare a written report of the investigation (“Investigation Report”) that fairly summarizes the relevant evidence and contains the following, except as prohibited by law:

- a copy of the written complaint;
- copies of any documents relevant to the investigation;
- to the extent known by the Investigator, the name(s) of the Complainant and Respondent and the names of every person interviewed by the Investigator in connection with the investigation, 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; and
- a summary of each interview conducted by the Investigator in connection with the investigation.

Additionally, in cases involving only University Category violations (Category B Cases), the Investigation Report additionally will contain the following:

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<sup>12</sup> For Title IX Category cases which require a live hearing, it is expected that most live hearings will be completed within thirty (30) calendar days following the conclusion of the investigation.

<sup>13</sup> The Investigator may require the parties to submit any evidence they would like the Investigator to consider prior to when the parties’ time to inspect and review the Investigation Report ends.

- 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;
- 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;
- 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.

The Investigator need not include information in the Investigation Report that the Investigator determines not relevant or otherwise excludable. In a Title IX Category case (Category A Case), the final Investigation Report, subject to any redaction permitted and/or required by law, will be provided to the Complainant, Respondent and their Advisors (if any) at least ten (10) calendar days prior to a hearing (where a hearing is provided for by this Policy).

If the Respondent is a faculty member, then the Investigator, at least five (5) calendar days prior to submitting the Investigation Report to the Hearing Officer/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 (5) calendar days to submit their written comments/recommendation, if any, regarding the Investigation Report to the Decision-Maker/Hearing Officer.

## **ADJUDICATION PROCESSES**

In cases involving only University Category violation(s) (Category B Cases), no hearing is held and, instead, the Decision Maker will make a decision as to whether the Respondent is responsible for the violation and, if responsible, sanctions(s) based on the Decision Maker's review and consideration of the Investigation Report, together with the evidence and the parties' responses to the evidence submitted to the Investigator. The Decision Maker will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Decision Maker must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

In situations where a case includes a Title IX Category violation, a hearing will be held pursuant to the Hearing Procedures below.

## **HEARING PROCEDURES FOR CATEGORY A CASES**

These hearing procedures apply to the adjudication of any case involving a Title IX Category violation.

### **A. General**

At least ten (10) calendar days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's Advisor if any, will be provided a

copy of the Investigation Report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law. The parties may provide a written response to the Investigation Report. If a party disagrees with the Investigator's determinations about relevance, the party can make that argument in the party's written response to the Investigation report and to the Hearing Officer/Decision-Maker at any hearing held. The hearing officer/decision-maker makes the final determinations as to the relevance of evidence. The parties' written responses to the evidence and responses to the Investigation Report (if any) will be appended to the Investigation Report and made available to the Hearing Officer/Decision-Maker.

A hearing before a Hearing Officer will be held not less than ten (10) calendar days after the parties have been provided access to the final Investigation Report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s).

The Hearing Officer may be a member of the campus community or may be external to the University, as determined by the Title IX Coordinator.

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, and the name of the Hearing Officer.

In order to promote a fair and expeditious hearing, the parties and their Advisors will be invited to attend a pre-hearing conference with the Hearing Officer. The pre-hearing conference assures that the parties and their Advisors understand the hearing process and allows for significant issues to be addressed in advance of the hearing.

Participants in the hearing will include the Hearing Officer, the Complainant and the Respondent, their respective Advisors, as well as the Investigator(s) who conducted the investigation (where requested), and Witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' Advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their Advisors in the hearing room(s).

The hearing may be conducted with all parties physically present in the same location or, at the Hearing Officer's discretion, any or all parties, Witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Officer and the parties to simultaneously see and hear any party or Witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The Title IX Coordinator and/or Hearing Officer may postpone the hearing for good cause as determined by the Title IX Coordinator or Hearing Officer. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

## **B. Procedural Matters**

The Hearing Officer is in charge of organizing the presentation of information to be considered at the

hearing. Generally, the hearing will proceed in the following order:

1. Opening Statement by the Complainant
2. Opening Statement by the Respondent
3. Questions for the Investigator(s) by the Hearing Officer and, if desired, on behalf of Complainant and the Respondent (as described below) via their Advisors
4. Questions for the Complainant by the Hearing Officer and, if desired, on behalf of the Respondent (as described below)
5. Questions for the Respondent by the Hearing Officer and, if desired, on behalf of the Complainant (as described below)
6. Questions for each Witness by the Hearing Officer and, if desired, on behalf of Complainant and the Respondent (as described below)
7. Closing Statement by the Respondent
8. Closing Statement by the Complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Hearing Officer determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the Investigation Report as described in the Investigation Procedures section will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning. A party may not request to introduce at the hearing any evidence not previously offered or introduced in the investigation pursuant to the Investigation Procedure section unless the evidence was unavailable to the party seeking to introduce it and the party could not have discovered or obtained the evidence during the investigation process (including at time of the party's response to the Investigation Report) with reasonable diligence.

The Hearing Officer will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this Policy, the Hearing Officer will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, to alter the order of the proceedings from that described above, and/or to recall parties or Witnesses for additional questions as the Hearing Officer deems necessary or appropriate. The Hearing Officer may impose additional ground rules as the Hearing Officer may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

### **C. Advisors**

The Complainant and the Respondent may each have present with them during the hearing an Advisor of their choice (at the party's expense, if the Advisor is a paid advisor). Additionally, if the party is not accompanied by an advisor at the hearing, the University will appoint an Institution Advisor.

Except with respect to questioning as described below, an Advisor's role is limited to consulting with

their advisee, and the Advisor may not present evidence, address the Hearing Officer during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet non-disruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Hearing Officer. An Advisor's questioning of the other party and any Witnesses must be conducted in a respectful, non-intimidating and non-abusive manner. If the Hearing Officer determines that an Advisor of choice is not adhering to these or other ground rules, the Advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the University will assign an Advisor of the University's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an Advisor or other person to the hearing, absent an approved disability accommodation.

The Hearing Officer may be advised by and/or consult with the University's legal counsel as the Hearing Officer deems necessary or appropriate. The Hearing Officer may be accompanied by an assistant who will not participate in the hearing or decision in any way but may provide administrative or clerical assistance to the Hearing Officer (i.e., making copies, contacting the next Witness, etc.) during the hearing.

#### **D. Questioning Procedures**

The Hearing Officer will permit each party's Advisor to ask the other party and any Witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's Advisor in a respectful, non-intimidating and non-abusive manner, and never by a party personally. If a party does not have an Advisor present at the hearing, the Title IX Coordinator will arrange for the University to provide without fee or charge to that party, an Advisor of the University's choice (referred to as an Institution Advisor) to conduct cross-examination on behalf of that party. An Institution Advisor does not represent a party in any legal sense, and the party is responsible for formulating the cross-examination questions that the Institution Advisor will pose during the hearing.

Only relevant questions may be asked by a party's Advisor to a party or Witness. Before the party or Witness answers a question posed by an Advisor, the Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Advisor posing the question may request that the Hearing Officer reconsider any decision to exclude a question and the Hearing Officer, after soliciting the other party's Advisor's opinion, will render a final determination. Such decisions by the Hearing Officer are final and not subject to further objection or reconsideration during the hearing.

Questions and evidence about the Complainant's and Respondent's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's/Respondent's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the

Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Parties and Witnesses are encouraged to participate in a hearing and submit to cross-examination to facilitate full exploration of the evidence. In the event that a party or Witness does not participate in a hearing and/or submit to cross-examination, the Hearing Officer may take this, among any other factor, into consideration when deciding the weight to afford any statement made or information provided by such person. However, the Hearing Officer will not draw an inference as to responsibility based solely on a party's or Witness's absence from the hearing or refusal to answer questions, including cross-examination questions.

### **E. Hearing Determinations**

Following conclusion of the hearing, the Hearing Officer will render as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Officer will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Hearing Officer must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

### **NOTIFICATION OF DECISION**

The Hearing Officer or Decision Maker shall issue written notification simultaneously to the Complainant and Respondent of the determination as to whether the Respondent violated this policy. If the case involves a Title IX Category violation, the Hearing Officer will issue this written determination within seven (7) calendar days of the conclusion of the hearing. If the case involves only University Category violations, the Decision Maker will issue this written determination within seven (7) calendar days of receipt of the Investigation Report. This time may be extended, based on the complexity of the situation under consideration.

If the Hearing Officer or Decision Maker concludes that the Respondent is responsible for violation of this policy, then the Complainant and Respondent will be notified as such and 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 (2) calendar days to submit their impact statement to the Decision Maker. The Decision Maker may consult with other University officials to determine any appropriate sanctions. The Decision Maker shall 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. In most cases, this written decision will be issued within three (3) calendar days after the expiration of the time for the parties to submit impact statements, but this time may be extended if necessary. The written decision will also include information about the parties' appeal rights.

The persons to whom the written decision shall be issued simultaneously are: the Investigator, the Respondent, the Complainant, if any, and the Faculty Review Committee if the Respondent is a faculty member. The Hearing Officer or 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 Hearing Officer or Decision Maker shall forward the decision to any

University officials the Hearing Officer or Decision Maker believes should be made aware of the decision.<sup>14</sup>

### **Sanctions for Violating this Policy<sup>15</sup>**

Those found to have violated this Policy will be subject to disciplinary action. The University may impose any of the following sanctions:

- Warning
- Probation
- Restriction(s) to address impact of incident (e.g., to avoid contact with individual or to avoid certain location(s), to provide that other party may have priority in selecting courses or housing, etc.)
- Community service
- Restriction of access to University facilities
- Loss of privileges and access to University activities (including participation in athletics and other student organizations)
- 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<sup>16</sup>

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, and any information provided in the parties' impact statements.

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 and appeal, if any,

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<sup>14</sup> If the Complainant or Respondent is a faculty member, the Hearing Officer or 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 (5) calendar day Faculty Review Committee Investigation Report comment period. If the Hearing Officer or 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 (5) calendar day period within which to provide their comments/recommendations with respect to such revised Investigation Report and forward it to the Hearing Officer or Decision Maker.

<sup>15</sup> If this Policy's process results in a sanction of termination of University employment of a tenured faculty member, the termination decision is subject to further process and review in accordance with the Faculty Handbook's Academic Dismissal Procedure.

<sup>16</sup> Pursuant to the Faculty Handbook, procedures governing sex-based misconduct complaints brought against faculty members by individuals who are not faculty members are set forth in this document with the exception that should the sex-based misconduct process involve a hearing, the hearing body shall be the appropriate Faculty Council Grievance Committee.

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. Information about contacting the Registrar's Office is available at this link: [Contact the Registrar Office](#). Transcript notations for expulsion will not be removed.

## **APPEALS**

Within five (5) calendar days of the date of receipt of the Decision, the Complainant or the Respondent may file a written appeal to the Title IX Coordinator, which appeal will be decided by 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 party may base an appeal are as follows:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter;
- The Investigator, Hearing Officer/Decision Maker was biased or had a conflict of interest that may have affected the investigation or decision;
- The finding of responsibility or no responsibility was not consistent with the preponderance of the evidence standard; and/or
- The sanction is disproportionate to the violation.

Within three (3) calendar days of receiving a timely appeal, the Title IX Coordinator shall forward the appealing party's submission to the other party who shall have five (5) calendar days to submit a written response. Thereafter, the Title IX Coordinator will forward to the Appeal Officer(s) the case-related material, including: (i) the Investigation Report, (ii) copies of the parties' written impact statements, if any, (iii) the decision made by the Hearing Officer/Decision Maker; and (iv) the Hearing Officer's/Decision Maker's written communications to the Complainant and Respondent informing each of the outcome of the investigation. Within seven (7) days of receiving the case material, the Appeal Officer(s) shall decide the appeal and issue a written appeal decision, 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 the written appeal decision simultaneously to the Investigator, the Hearing Officer/Decision Maker, the Complainant and the Respondent. The time in which the Appeal Officer(s) will issue this written appeal decision may be extended, based on the complexity of the situation under review. 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 Hearing Officer/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 Investigation Report, which the Complainant and Respondent shall have an opportunity to review (Title IX cases only), and the Hearing Officer/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.<sup>17</sup>

### **APPLICATION TO FACULTY AND STAFF**

One or more of the University's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. The University will apply this policy to any sex-based misconduct situation, including one involving faculty and staff, where the University determines that Title IX requires the application of this policy.

### **MISCELLANEOUS PROVISIONS**

- All time periods may be extended by the University for good cause shown.
- The University reserves the right to use this policy to adjudicate other allegations of misconduct as defined by policies outside of the scope of this policy in instances when the conduct arises out of the same incidents and/or allegations. The Title IX Coordinator will address these consolidated reports in collaboration and coordination with other appropriate offices, including Student Affairs and Human Resources.
- The Title IX Coordinator 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.

### **POLICY FOR ALCOHOL AND/OR DRUG USE AND/OR DRUG USE AMNESTY**

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 Use Amnesty Policy \(PDF\)](#).

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<sup>17</sup> For matters related to dating violence, domestic violence, sexual assault, and stalking, the University will notify the parties once the results become final. Upon request, the university will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim and next of kin if the victim is deceased.

## **UNIVERSITY DUTY TO REPORT CRIME STATISTICS**

The University has a duty to report data about various forms of Sex-Based crimes 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 its daily crime log and 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.

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.

## **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 the [Office of the Registrar's Student Records website](#).

## **POLICY ADMINISTRATION**

The Title IX Coordinator 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 is Bernard Dufresne, who can be reached at (212) 346-1310 or [bdufresne@pace.edu](mailto:bdufresne@pace.edu).

The Title IX Coordinator 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.

Any student with a complaint that the University failed to comply with Title IX may make a complaint to: [US Department of Education, Office for Civil Rights](#).

## **DELEGATION OF AUTHORITY**

Any University administrator or official empowered by this policy, may delegate his or her authority to any other appropriate University official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named

in this policy from fulfilling his or her designated role.

## **Student's Bill of Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking**

The following is a list of rights outlined by New York State, and included in Pace University's procedures for students who experience sexual assault, domestic, dating or, intimate partner violence, or stalking. The Office of Institutional Equity and Title IX Compliance is here to assist all parties in understanding their rights related to sex-based misconduct.

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 by a University official 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.

## **Statement of Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking**

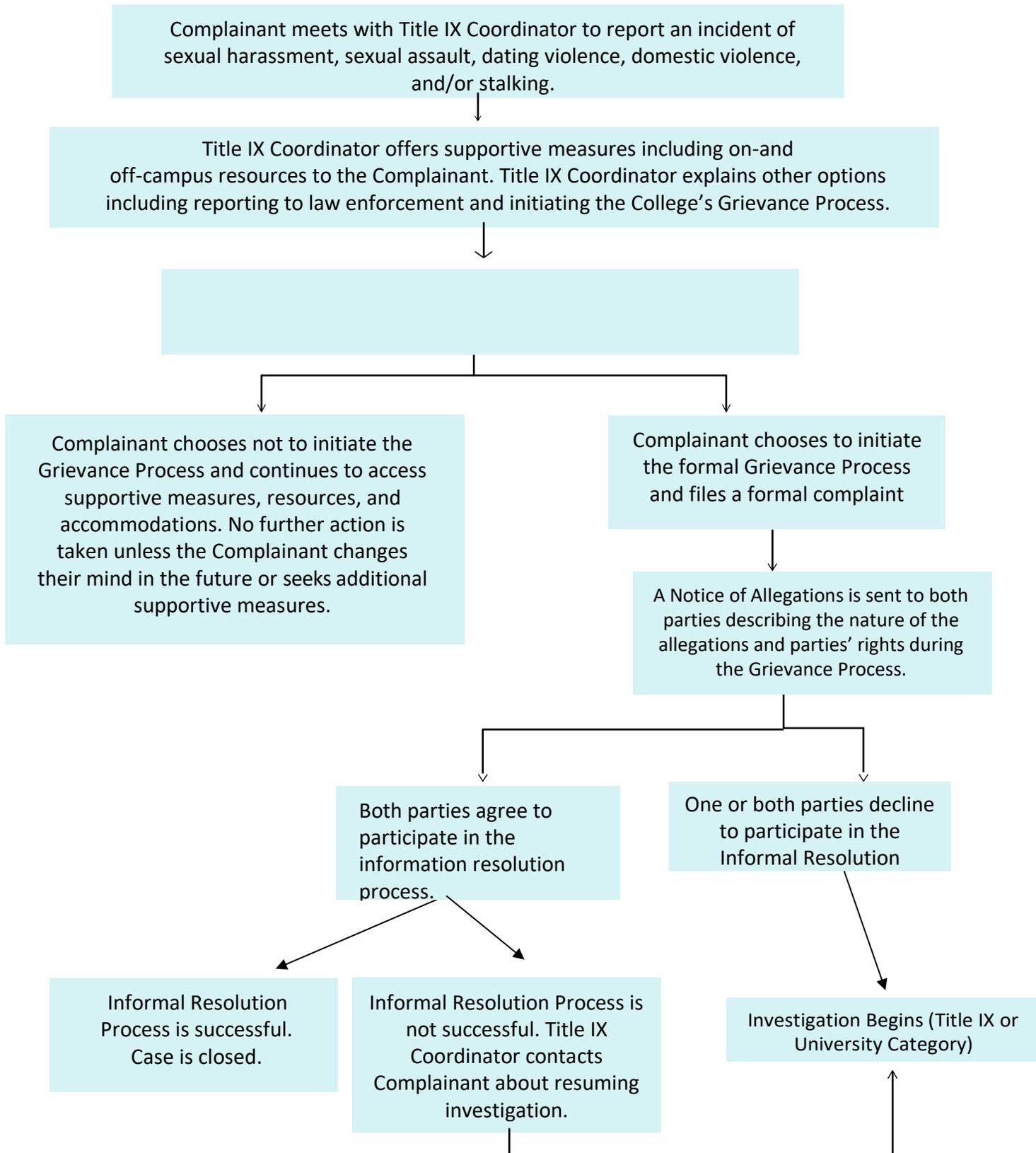
Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

- 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:
  - 1) 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;
  - 2) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
  - 3) 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;
  - 4) whether the person they are reporting to is authorized to offer confidentiality or privacy; and
  - 5) 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.
- 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 to 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 procedure

- G. Disclose, if the accused is a University employee, 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.

# INTAKE/COMPLAINT OVERVIEW



## **Discrimination, Non Sex-Based Harassment and Retaliation Policy and Procedure**

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.

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; gender expression; race; color; national origin; religion; creed; age; disability;

citizenship; marital or domestic partnership status as well as parental status, which includes pregnancy; 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**

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.<sup>18</sup> 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.

### **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

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<sup>18</sup> See footnote 11, *ibid*, regarding the University’s Sex-Based Misconduct Policy pursuant to which complaints and reports of sexual and gender-based harassment are investigated.

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 Bernard Dufresne. He can be reached at 41 Park Row, 14th Floor or (212) 346-1310 or at [bdufresne@pace.edu](mailto:bdufresne@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.<sup>19</sup>

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

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<sup>19</sup> 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 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.

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 University's [online reporting system](#) or 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 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 COMPLAINTS**

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 Discrimination or Harassment based on protected characteristics or Retaliation in violation of this Policy and Procedure, the complaint or report will be investigated pursuant to 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 investigated 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 Vice President Finance/Controller in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.<sup>20</sup>

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<sup>20</sup> In the event that the Vice President Finance/Controller 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.

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.

### Complaint Procedure Diagram

Respondent	Complaint Intake Person	Investigator	Decision Maker	Appeal Officer
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 Vice President 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 Vice President for Human Resources University Counsel	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Vice President for Human Resources	Vice President Finance\Controllor
Third Party	Title IX Coordinator/ Affirmative Action Officer Vice President for Human Resources University Counsel	Title IX Coordinator/Affirmative Action Officer or Another Investigator From Trained Pool	Vice President Finance\Controllor	Chief Financial Officer
President or Senior Executives who report to him/her	Title IX Coordinator/ Affirmative Action Officer Vice President 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

### 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, 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.<sup>21</sup> 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.

### **DELEGATION OF AUTHORITY**

Any University administrator or official empowered by this policy, may delegate his or her authority to any other appropriate University official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this policy from fulfilling his or her designated role.

### **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 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

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<sup>21</sup> 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.

employees who refuse to cooperate, possible discipline up to and including discharge.

### **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<sup>22</sup>;
- 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 previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report<sup>23</sup>;
- 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.

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<sup>22</sup> 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.

<sup>23</sup> 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.

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.<sup>24</sup>

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 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 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 Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.<sup>25</sup>

### **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:

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<sup>24</sup> Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.

<sup>25</sup> 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 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 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 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;
- 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 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](#).
- 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 education records. FERPA generally limits disclosure of student education records outside the University without the 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 the [Office of the Registrar's Student Records website](#).



## Definitions of Reportable Crimes

For purposes of counting and disclosing criminal offenses, hate crimes, and arrest and disciplinary referral statistics, the University is required to use definitions provided by the Federal Bureau of Investigation's ("FBI") Uniform Crime Reporting Program ("UCR Program") as follows:

1. for the crimes of criminal homicide (murder/non-negligent manslaughter and negligent manslaughter), rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, weapons: carrying, possessing, etc., drug law violations, drug abuse violations and liquor law violations from the FBI's "Summary Reporting System User Manual" from the UCR Program;
2. for the crimes of fondling, incest, and statutory rape using the definitions of those crimes from the FBI's "National Incident-Based Reporting System Data Collection Guidelines" from the UCR Program; and
3. for hate crimes from the FBI's "Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual".

For purposes of counting and disclosing the categories of domestic violence, dating violence and stalking, the University is required to use the definitions from the Violence Against Women Act of 1994 and regulations promulgated thereunder.

In addition, the University is also required to include in this Report the definitions of "dating violence," "domestic violence," "sexual assault," "stalking," and "consent" (in reference to sexual activity) to the extent they are also defined under New York State law.

The applicable definitions are set forth below:

### DEFINITIONS:

- **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.
- **Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. The following are four types of sexual assaults:
  - **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.

- **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 that could cause serious personal injury is used).
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. A motor vehicle theft includes, but is not limited to, theft of a self-propelled vehicle that runs on land surface and not on rails, which includes sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, 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 Crime:** A crime 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 person or group of persons. For the purposes of this definition, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. For Clery Act purposes, "Hate Crimes" include any of the following offenses that are motivated by any of the categories of bias identified above: murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property. The first seven offenses listed in the preceding sentence are defined above; the remaining four offenses listed are defined below:
  - 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.
  - Destruction/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:** 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:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- **Stalking:** 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. For purposes of this definition, (a) "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and (c) "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. Stalking behavior may include, 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 (Carrying, Possessing, Etc.):** 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.

#### **NEW YORK STATE DEFINITIONS:**

- **Domestic Violence:** New York State's Penal Law<sup>26</sup> does not include a definition of "domestic violence" per se, but the similar term "family offense" is defined under New York's Family Court Law. A "family offense" occurs when certain acts or crimes designated in the Penal Law, such as assault, sexual misconduct, and stalking, are committed by a family member, such as a spouse, former spouse, parent, child or other member of the same family or household. For purposes of this definition: "members of the same family or household" include (a) persons related by consanguinity or affinity; (b) persons legally married to one another; (c) persons formerly married to one another regardless of whether they still reside in the same household; (d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time; and (e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. In determining whether a relationship is intimate, consideration may be given to the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship.
- **Dating Violence:** The Penal Law does not define a crime known as "dating violence." However, the definition of "family offense" as set forth in the paragraph above includes reference to an "intimate relationship," and thus constitutes the manner in which this type of offense is defined under New York State law.
- **Stalking:** The Penal Law provides for four separate levels of stalking offenses, which are characterized as fourth degree through first degree as follows:
  - Stalking in the fourth degree: A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (a) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; (b) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (c) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. For purposes of this definition, "following" includes the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

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<sup>26</sup> References to the New York State Penal Law and its sections are provided for purposes of Clery Act compliance only. The University enforces its applicable policies and not the provisions of the New York State Penal Law. All references in this Report to "Penal Law" refer to the [New York State Penal Law](#).

- Stalking in the third degree: A person is guilty of stalking in the third degree when he or she: (a) commits the crime of stalking in the fourth degree against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or (b) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime (as defined in Section 120.40(5) of the Penal Law), and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (c) with intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person`s immediate family; or (d) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.
  
- Stalking in the second degree: A person is guilty of stalking in the second degree when he or she: (a) commits the crime of stalking in the third degree and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy club, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (b) commits the crime of stalking in the third degree against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime (as defined in Section 120.40(5) of the Penal Law), and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (c) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree against any person; or (d) being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (e) commits the crime of stalking in the third degree against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.
  
- Stalking in the first degree: A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she: (a) intentionally or recklessly causes physical injury to the victim of such crime; or (b) commits a class A misdemeanor defined in Article 130 of the Penal Law (Sex Offenses), or a class E felony defined in section 130.25 (Rape in the third degree), 130.40 (Criminal Sexual Act in the third degree) or 130.85 (Female Genital Mutilation) of the Penal Law, or a class D felony defined in section 130.30 (Rape in the second degree) or 130.45 (Criminal Sexual Act in the second degree) of the Penal Law.

For purposes of the definitions of "stalking" above, "immediate family" means the spouse,

former spouse, parent, child, sibling, or any other person who regularly resides or has regularly resided in the household of a person.

- **Sexual Assault:** Article 130 of the Penal Law (Sex Offenses) includes various sex offenses which are substantially similar to those included under the definition of “sexual assault” above. These include, among others, the following:
  - Sexual Misconduct: A person is guilty of sexual misconduct when: (a) he or she engages in sexual intercourse with another person without such person’s consent; or (b) he or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or (c) he or she engages in sexual conduct with an animal or a dead human body.
  - Rape:
    - Rape in the third degree: A person is guilty of rape in the third degree when: (a) he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; (b) being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or (c) he or she engages in sexual intercourse with another person without such person`s consent where such lack of consent is by reason of some factor other than incapacity to consent.
    - Rape in the second degree: A person is guilty of rape in the second degree when: (a) being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or (b) he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated (it is an affirmative defense to the crime of rape in the second degree that the defendant was less than four years older than the victim at the time of the act).
    - Rape in the first degree: A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person: (a) by forcible compulsion; or (b) who is incapable of consent by reason of being physically helpless; or (c) who is less than eleven years old; or (d) who is less than thirteen years old and the actor is eighteen years old or more.
  - Criminal Sexual Act:
    - Criminal Sexual Act in the third degree: A person is guilty of criminal sexual act in the third degree when: (a) he or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; (b) being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or (c) he or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.
    - Criminal Sexual Act in the second degree: A person is guilty of criminal sexual act in the second degree when: (a) being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or (b) he or she engages in oral sexual conduct or anal sexual conduct

with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated (it is an affirmative defense to the crime of criminal sexual act that the defendant was less than four years older than the victim at the time of the act).

- Criminal Sexual Act in the first degree: A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person: (a) by forcible compulsion; (b) who is incapable of consent by reason of being physically helpless; (c) who is less than eleven years old; or (d) who is less than thirteen years old and the actor is eighteen years old or more.
  
- Forcible Touching: A person is guilty of forcible touching (which includes squeezing, grabbing or pinching) when such person intentionally, and for no legitimate purpose: (a) forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire; or (b) subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York State or any of its political subdivisions.
  
- Sexual Abuse:
  - Sexual Abuse in the third degree: A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent (it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person).
  - Sexual Abuse in the second degree: A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is: (a) incapable of consent by reason of some factor other than being less than seventeen years old; or (b) less than fourteen years old.
  - Sexual Abuse in the first degree: A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact: (a) by forcible compulsion; or (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than eleven years old; or (d) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

Other sex offenses under the Penal Law include "persistent sexual abuse," "aggravated sexual abuse" (fourth through first degrees), and "predatory sexual assault."

**Consent:** "Consent" is defined under Section 130.05 of the Penal Law as follows:

1. Whether or not specifically stated, it is an element of every offense defined in Article 130 of the Penal Law that the sexual act was committed without consent of the victim.

2. Lack of consent results from: (a) forcible compulsion; or (b) incapacity to consent; or (c) where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or (d) where the offense charged is rape in the third degree, or criminal sexual act in the third degree, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.
  
3. A person is deemed incapable of consent when he or she is: (a) less than seventeen years old; or (b) mentally disabled; or (c) mentally incapacitated; or (d) physically helpless; or (e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital; or (f) committed to the care and custody of a local correctional facility (as defined in the New York Correction Law), and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility; or (g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care; (h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree, criminal sexual act in the third degree, aggravated sexual abuse in the fourth degree, or sexual abuse in the third degree, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or (i) a resident or inpatient of a residential facility operated, licensed or certified by (A) the office of mental health; (B) the office for people with developmental disabilities; or (C) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient; or (j) detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official and the actor is a police officer, peace officer or other law enforcement official who either: (A) is detaining or maintaining custody of such person; or (B) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody.

## 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 as part of its Annual Security 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 completed 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, the titles of persons to report fires on campus, and all policies regarding portable electrical appliances, smoking and open flames in housing facilities. This information is provided below as part of the University's Fire Safety Report.

### Fire Statistics

The table below lists the number of fires, the cause of each fire, the number of deaths related to the fire, the number of 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.

#### Annual Fire Statistics for Student Housing Facilities for 2022

Campus	Residence Hall	Total Fires in Each Building	Case	Date	Time	Number of Injuries	Number of Deaths	Cause of Fire	Value of Property Damage
<b>Pleasantville</b> 861 Bedford Rd Pleasantville, NY 10570	Martin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	North Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Elm Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Alumni Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Townhouses	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>White Plains</b> 78 North Broadway White Plains, NY 10603	Dannat Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>New York City</b>	182 Broadway NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Maria's Tower 1 Pace Plaza, NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	55 John St NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	106 Fulton St NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

### Annual Fire Statistics for Student Housing Facilities for 2023

Campus	Residence Hall	Total Fires in Each Building	Case	Date	Time	Number of Injuries	Number of Deaths	Cause of Fire	Value of Property Damage
<b>Pleasantville 861</b> Bedford Rd Pleasantville, NY 10570	Martin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	North Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Elm Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Alumni Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Townhouses	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>White Plains</b> 78 North Broadway White Plains, NY 10603	Dannat Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>New York City</b>	182 Broadway NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	15 Beekman NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	55 John St NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

### Annual Fire Statistics for Student Housing Facilities for 2024

Campus	Residence Hall	Total Fires in Each Building	Case	Date	Time	Number of Injuries	Number of Deaths	Cause of Fire	Value of Property Damage
<b>Pleasantville 861</b> Bedford Rd Pleasantville, NY 10570	Martin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	North Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Elm Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Alumni Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Townhouses	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>White Plains</b> 78 North Broadway White Plains, NY 10603	Dannat Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>New York City</b>	182 Broadway NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	15 Beekman NY, NY 10038	1	19796	1/27/24	6:34PM	N/A	N/A	Misloading of Laundry Drier	\$31,603
	33 Beekman NY, NY 10038	1	20274	3/5/24	8:44PM	N/A	N/A	Misloading of Laundry Drier	\$30,031
	55 John St NY, NY 10038	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## Fire Safety Systems for On-Campus Student Housing

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

### Fire Safety Systems in Student Housing Facilities

Campus	Residence Hall	Proprietary Fire Alarm System	Full Sprinkler System*	Smoke Detection	Fire Extinguisher	Evacuation Plans Posted	Fire Drills Jan 1-Dec. 31	Sprinkler Inspection Date	Fire Alarm Inspection Date
Pleasantville	Martin Hall	X	X	X	X	N/A	4	1/16/2025	2/20/2025
	Alumni Hall	X	X	X	X	N/A	4	1/10/2025	2/20/2025
	Elm Hall	X	X	X	X	N/A	4	1/09/2025	1/09/2025
	North Hall	X	X	X	X	N/A	4	1/19/2025	1/08/2025
	Townhouse 1 Townhouse 2 Townhouse 3	X	X	X	X	N/A	4	1/17/2025 1/17/2025 1/17/2025	1/10/2025 2/16/2025 2/30/2025
White Plains	Dannat Hall	X	X	X	X	X	4	1/07/2025	1/07/2025
New York City	182 Broadway	X	X	X	X	X	4	6/10/2024- 6/17/2024 1/2/2025	6/10/2024- 6/17/2024 12/19/2024 -1/2/2025
	55 John St	X	X	X	X	X	4	9/3/2024	10/1/2024
	33 Beekman	X	X	X	X	X	4	6/10/2024- 6/20/2024 8/5/2024	6/10/2024- 6/20/2024 12/19/24- 1/2/25
	15 Beekman	X	X	X	X	X	4	6/10/2024- 6/10/2024 12/30/2024	6/10/2024- 6/10/2024 12/19/24- 1/2/25

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 staffed 24 hours per day. Pace Safety and 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 Policy and Procedures

Each semester, Safety and Security, in conjunction with Residential Life and Facilities, conducts fire/evacuation drills for all students and employees in all academic, administrative and on-campus residence buildings. These unannounced drills are conducted at least three times a year in accordance with New York City Fire Prevention Bureau (New York City Campus), New York State Fire Prevention Bureau (Westchester campuses), 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. In buildings where summer sessions are conducted, one drill is held during the first week of such summer session. 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 and to facilitate proper operation of the fire alarm systems.

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.

In addition, on-campus residential facilities, academic and administrative buildings, sporting facilities and theaters have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors, and emergency phones. Buildings are inspected regularly to verify that these systems are in working condition.

## Fire Safety Education

Residential Life staff and Safety and Security staff (including contract security personnel), receive yearly training on fire safety and evacuation procedures. Fire safety education material is distributed to all resident students on a yearly basis within the Guide to Residential Living, and to all faculty and staff via the Employee Handbook. Training is also provided to all new faculty and staff during orientation and to current faculty and staff on a yearly basis via a Safe Colleges training module.

In addition, building specific evacuation plans are posted in each building and regularly scheduled fire drills are employed to prepare the Pace Community members and verify that they are trained and informed of expected procedures. Additional fire safety education material is readily available on the [PaceSafe app](#), the [Security and Emergency Management website](#), and is posted in all common areas and stairwells within buildings.

## Prohibited Items and Prohibited Conduct

To confirm all buildings and residence facilities remain safe, individuals are not permitted to cover lights or hang items from lights, windows, safety equipment, fire heads, fire sensors, or ceilings in any manner. Paper or other flammable decorations should be used with care as to not increase the "fire load" of the room or office area and should not cover windows or placed over or near lamps or light sources. Blocking exits, doorways, hallways or stairwells or propping open fire exit doors is prohibited. Additional prohibited items include, but are not limited to, Portable Electrical Appliances, Candles, Halogen Lamps, Hookah Pipes, Incense, Open Heating Elements, Open Flames, Tobacco Pipes, Vaporizers and Electronic Cigarettes. Possession of candles (unless wicks are removed) is prohibited. The use of standalone microwaves (except for personal or leased MicroFridge combination units), 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).

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 applicable city and/or municipality as a result of the incident. Cleaning and repair costs will be determined by the Facilities staff.

**Extension Cords:** Residents are permitted to use 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 daisy chain/overload electrical systems.

UL approved hot spots with an automatic shut-off are allowed, but must be registered with the Residential Life Staff at check-in. Personal furniture, not limited to mattresses and computer chairs, will need to be approved by Student Accessibility Services before they can be brought onto campus. If you are uncertain about any item, please see your Residence Director to request approval of appliances.

**Smoking:** In accordance with the New York State Clean Indoor Air Act, NYC Clean Indoor Air Act (NYC Local Law 2), and Title 20 of Westchester County Sanitary Code, residents, guests, and employees of the University are strictly prohibited from smoking in academic and administrative buildings, residence halls, including student rooms, common areas, lobbies, dining halls, lounges, activity rooms, stairwells, and elevators, to include electronic cigarette use/vaping. The area immediately around the main entrance to each residence hall, academic and administrative building is also considered a non-smoking area. 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:**

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, among other things, a monetary penalty, disciplinary action, criminal prosecution, or any combination thereof. All violators of this policy will be cited for a violation of University policy through the judicial process.

## 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 or Campus Security on site. Anyone found in their room, who had not evacuated during the sounding of the fire alarms, will be fined.

### 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. Contact 911 and Safety and Security. Check to make sure stairwells are safe before entering.

### 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 determine 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, they should make their way to the designated assembly area for their 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:

- **Pleasantville and White Plains Residence Halls** – Once the fire alarm has sounded, full building evacuation is mandatory. If safely able to do so, close all windows before leaving the room.
- **New York City Residence Halls** – Follow evacuation instructions outlined by the building *Fire Life Safety Director*.
- While an RA may be present to help vacate the building, if safely able to do so, you should assist by knocking on your neighbor's door to the left and right of you as you exit.
- Students are instructed, if safely able to do so, to bring their Pace IDs, wear 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 determine that all students have safely evacuated the building.

### **If the Fire Is In Your Room**

- Close (but do not lock) the door to the room where the fire is and leave the room.
- Make sure EVERYONE in the room leaves with you.
- If anyone refuses to leave with you, once you have evacuated safely, immediately notify security or a first responder of the location of the individual(s) that are still in the building.
- If safely able to do so, take your Pace ID/keys.
- If safely able to do so, alert people on your floor by knocking on 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 or campus 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 and close the door.
- Seal the doors to your room with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Call 911 or Campus Security and tell them your address, floor, room number, the number of people in your room and where the fire is located (if you know).
- 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 the attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose and wait for help.

### **Evacuation of Disabled Persons**

Pre-planning is of utmost importance to verify that persons with disabilities are provided with the assistance and knowledge to evacuate a building. It is expected that a residence life staff member knows of your disability, whether it is temporary or permanent. Prior to an emergency evacuation of any kind, it is advised that each person needing assistance 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, they 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 or campus Security 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.
- 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 faculty or staff member 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 Residential Life and Housing for your location. 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.

### **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.

### **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.
- Doors, and if possible, windows, should be closed as the last person leaves a room/area.
- When the alarms sound, evacuate the building quickly (see campus guidelines below), but do not run. Do not panic.
  - **Pleasantville and Haub Law Campuses** – Full building evacuation is mandatory.
  - **New York City Campus** – Follow instructions outlined by the building *Fire Safety Director*.

- 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 all clear from the Fire Department or Security.
- See **Evacuation of Disabled Persons** above.

### **Designated Assembly Area and Responsibilities**

All department heads and supervisors must designate a gathering area outside approximately 300 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, they should make their way to the designated assembly area for their department. It is important to know that everyone got out of the building. Designated Assembly Areas can also be found on the PaceSafe App and the [Security and Emergency Management website](#).

**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.

**Faculty members** on the Westchester campuses should immediately evacuate students from classroom upon activation of the fire alarm. On the New York City Campus, faculty members should listen to the direction of the Fire Safety Director.

**Students** on the Westchester campuses are required to evacuate the building immediately. On the New York City Campus, students should listen to the direction of the Fire Safety Director. All students must stand approximately 300 feet from the building once out of the building.

**Employees** on the Westchester campuses must evacuate the building. On the New York City Campus, employees should listen to the direction of the Fire Safety Director. All employees must go to the designated assembly area.

### **Reporting Fires**

Students, faculty and staff are instructed to call the Safety and Security Department in the event of a fire or fire emergency. You can dial 911 or Security at 777 from any campus phone or press the security button located on Pace internal phones. After a fire has occurred, the campus Director of Safety and Security and the Assistant Director for Emergency Management and Fire Safety should be notified. Campus Security and Emergency Management can be reached by dialing the numbers below. It is recommended that you program the below Campus Security and Emergency Management numbers into your cell phone.

### **Safety and Security and Emergency Management Contact Information:**

New York City Campus - (212) 346-1800  
 Pleasantville Campus - (914) 773-3400  
 White Plains School of Law - (914) 422-4300

## Fire Incident Log

The University maintains a fire incident log that records 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. The Fire Incident Log for the most recent 60-day period is available for public inspection during normal business hours. Additional information (including access to inspect any portion of the Fire Incident Log that is older than 60-days) may be requested from the Executive Director of Safety and Security at (914) 773-3700 or [security@pace.edu](mailto:security@pace.edu).

## 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. Currently there are no specific plans for future improvements to our fire safety systems.

