



## 2019 Annual Fire Safety and Security Report

Statistics for 2016, 2017 & 2018  
NYC, Pleasantville and White Plains Campuses.



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## Safety and Security Department Message

The primary responsibility of the Safety & Security Department (sometimes referred to as “Safety & Security”) is to ensure the safety and security of the students, faculty, staff and visitors of the University. Pace University provides a 24 hours a day, 365 day per year security presence on each campus. There is a supervisor on duty at all times in addition to fixed and patrol assignments. All uniformed security personnel are 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 & Security staff consists of the University Executive Director, Director (NYC), Assistant Director (Westchester), two Security Managers, six Security Coordinators, Administrative Assistant, two Locksmiths and a Traffic Coordinator.

None of the above personnel are police officers, nor have they the power of arrest beyond that of every citizen. The University’s Safety & 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.

The safety and security of the Pace Community is a top priority and, as such, the Safety & Security Department works closely with the department of Emergency Management and Environmental Health & Safety, which is responsible for the coordination of emergency response and continuity planning. Additionally, 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, was created to guide the development and implementation of new initiatives, hear community concerns regarding safety and security, and review current campus security policies and procedures and make recommendations for their improvement. We also invite you to contact us with questions, concerns and suggestions at [security@pace.edu](mailto:security@pace.edu).

Sincerely,

Vincent Beatty

Executive Director, Safety & Security

## 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 Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act” or “Clery”). This Report is prepared in cooperation with the local law enforcement agencies surrounding our campuses, Title IX Coordinator, Residential Life, General Counsel and Campus Security Authorities (also referred to as “Responsible Parties”).

Crime statistics for the University can be found below, as well as on the U.S. Department of Education Web site at <http://ope.ed.gov/campussafety/#/>. The Safety Advisory Committee 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 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) White Plains, NY Campus Locations
  - 78 North Broadway (including 27 Crane St, 31 Crane St and 33 Crane St).
- 3) New York, NY Campus Locations
  - 41 Park Row
  - 1 Pace Plaza
  - 161-163 William Street
  - 156 William Street
  - 551 Fifth Ave
  - 55 John Street
  - 280 Broadway
  - 182 Broadway
  - 140 William Street
  - 33 Beekman Street
  - 80 Greenwich St
- 4) Non-campus locations
  - 100 Summit Lake Drive, Valhalla, NY
  - 99 Castleton Ave, Pleasantville, NY



Pace University does not have any officially recognized student organizations with non-campus locations that it is aware are 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 crime logs for public viewing. The crime logs include the nature, date, time and general location of each crime reported, as well as the disposition of the complaint, if known. However, if there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld temporarily until that damage is no longer likely to occur from the release of such information. A copy of the crime log and other crime statistics for the University may be requested from the Safety & Security Department at 914-773-3700 or [security@pace.edu](mailto:security@pace.edu).

#### Quick Reference - Pace University Safety & Security Contact Information

<u>New York City Campus</u> Safety & Security One Pace Plaza, G-Level (212) 346-1800 Available 24/7	<u>Pleasantville Campus</u> Safety & Security Alumni Hall (914) 773-3400 Available 24/7  Gannett House Admin (914)-773-3700	<u>White Plains School of Law</u> Safety & Security Preston Hall (914) 422-4300 Available 24/7
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#### ***Emergency Dial 911***

***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. To sign up for Pace University ***Emergency Alerts*** visit: <https://appsrv.pace.edu/ConnectED/>. PaceSafe app can be downloaded for iPhone or Android.



## Crime Statistics Reported by Geographic Location

### New York City Campus

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
CRIMINAL OFFENSES	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
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	1	5	1	1	0	0	0	1	0	0	0	0
Fondling	2	0	0	2	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	2	0	0	0	0	0	1	1	0	1	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

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
HATE CRIMES	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-negligent Manslaughter	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	0	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
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
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
VAWA OFFENSES	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	2	1	0	2	0	0	0	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
ARRESTS	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
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

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
DISCIPLINARY ACTIONS	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	123	90	101	123	90	101	0	0	0	0	0	0
Liquor Law Violation	248	155	256	248	155	256	0	0	0	0	0	0

UNFOUNDED CRIMES	2016	2017	2018
	0	0	0



## **Pleasantville Campus**

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
<b>CRIMINAL OFFENSES</b>	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
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	1	3	3	1	0	3	0	0	0	0	0	0
Fondling	0	0	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	1	0	0	1	0	0	0	1	0	0	0	0
Burglary	0	0	1	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	3	0	0	3	0	0	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
<b>HATE CRIMES</b>	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-negligent Manslaughter	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	0	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
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
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
<b>VAWA OFFENSES</b>	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Domestic Violence	0	0	1	0	0	1	0	0	0	0	0	0
Dating Violence	2	1	0	2	1	0	0	0	0	0	0	0
Stalking	0	2	1	0	2	1	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
<b>ARRESTS</b>	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Weapons: Carrying, Possessing, etc.	2	0	0	1	0	0	0	0	0	0	0	0
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



	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
<b>DISCIPLINARY ACTIONS</b>	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	155	55	66	155	55	66	0	0	0	0	0	0
Liquor Law Violation	360	195	200	360	195	200	0	0	0	0	0	0

<b>UNFOUNDED CRIMES</b>	2016	2017	2018
	0	0	1



## White Plains, NY Campus

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
CRIMINAL OFFENSES	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
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	1	0	0	1	0	0	0	0	0	0
Fondling	0	0	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

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
HATE CRIMES	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-negligent Manslaughter	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	0	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
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
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
VAWA OFFENSES	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
ARRESTS	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
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

	On-Campus			On-Campus Student Housing Facilities			Non-Campus			Public Property		
DISCIPLINARY ACTIONS	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	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

UNFOUNDED CRIMES	2016	2017	2018
	0	0	0

## 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 are defined above; the remaining four offenses 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>1</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.

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<sup>1</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. The Penal Law is accessible online at: <https://codes.findlaw.com/ny/penal-law/>.



- **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.
  - 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,

blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, 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; or (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 (in any prosecution under this section, 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.

## Reporting Incidents on Campus

### Reporting Crime and Emergency Situations on Campus

Pace University encourages accurate and prompt reporting of all criminal offenses and other emergency situations to the Safety & 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 University Safety & 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 & 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 the incident will be followed up by a Pace Security Staff Member.

### **CAMPUS SECURITY AUTHORITIES**

The Clery Act identifies Campus Security Authorities (CSAs) as: (1) the University's campus police department or a campus security department; (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 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 the Department of Safety & Security so that they may be investigated and included and published in the University's Annual Security Report.

CSAs are responsible for reporting allegations of Clery Act Crimes reported to them 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 the Department of Safety & 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.



<b><u>New York City Campus</u></b> <b>Safety &amp; Security</b> One Pace Plaza, G-Level (212) 346-1800 Available 24/7	<b><u>Pleasantville Campus</u></b> <b>Safety &amp; Security</b> Alumni Hall (914) 773-3400 Available 24/7  Gannett House Admin (914)-773-3700	<b><u>White Plains School of Law</u></b> <b>Safety &amp; Security</b> Preston Hall (914) 422-4300 Available 24/7
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### ***Emergency Dial 911***

*Campus Security can also be reached by **dialing 777** or **pressing the SECURITY button** located on most campus phones. Incidents can also be reported via the PaceSafe app which can be downloaded for iPhone or Android.*

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 Pace University this would be Sister Susan Becker in the Center for Spiritual Development on the Pleasantville Campus.
- **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 Pace University this would be the counselors at the Counseling Center.
- Pace University Health Care medical providers, excluding the Director while working in an administrative capacity, are not considered CSAs by the University; however, they are encouraged to report crimes with non-identifying information to the Department of Safety & Security for the purposes of anonymous statistical reporting under Clery Act.

### **Pace University Security & Police Coordination Plan for Investigation of Criminal Offenses**

The Pace University Security & Police Coordination Plan for Investigation of Criminal Offenses 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<sup>2</sup>) occurring at or on University grounds and at off-campus University controlled academic, residential and general services facilities;
- Reports that students residing in University owned or operated housing are missing.

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

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

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



<sup>2</sup> As defined in Section 70.02(1) of the Penal Law. A list of such violent felony offenses is maintained by the Safety & Security Department.

# Safety on Campus

## Security as a Cooperative Effort

Although the Safety & 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. All students, faculty, staff and visitors must assume primary responsibility for their personal safety and the security of their personal belongings. Precautionary measures are the key; therefore the following rules are important:



- Never prop open the doors to residence halls. 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. Do not leave valuables in an unattended or unlocked locker.
- If you see a person or something that looks suspicious, report it to the Safety & Security Department.

## Campus and Residence Hall Security Measures

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

### New York City Campus

Upon entering the buildings on the New York campus, the Pace University ID card must be displayed to the security officer and worn on the outermost garment. Temporary ID's will be issued to individuals who do not have their ID cards or persons exhibiting a valid reason to enter the building. Additionally, in New York City, a separate form of identification must be acquired to enter the residence halls. Common areas are monitored by a video surveillance and alarm system. Hallway doors on the residence floors have programmable access card readers allowing resident students to use their Pace ID card. Doors that are propped open will be investigated by a uniformed campus security officer.



### **White Plains Campus**

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

### **Pleasantville Campus**

The front doors of all other Westchester residence halls 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 sounds. All of these systems are monitored at the Pleasantville campus security office, which dispatches security personnel when necessary.

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

Blue Light emergency phones are located in various locations on the Westchester campuses.<sup>3</sup> These phones offer immediate connection to campus security and activate a blue light on top of the unit to draw attention to the area.

### **Crime Prevention and Security Awareness Programs**

A major portion of the University Crime Prevention and Security Awareness Program consists of presentations made to various groups on campus. Presentations are made by Pace University Safety & 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 freshman during family orientation.

Periodically during the academic year, at the request and in cooperation with other University organizations and departments, the Safety & 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 programs, trainings and materials that are provided on campus:

- **New Employee Orientation** – Covers basic security requirements on the New York, Pleasantville and White Plains campuses such as photo I.D. cards and parking decals.
- **Online Sexual Harassment 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.

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<sup>3</sup> When used in this Report, "Westchester campuses" refers to both the University's Pleasantville campus and its White Plains campus.

- **Behind Closed Doors (Summer Trainings)** – This national training program focuses on real life situations that Orientation Leaders and Residential Life staff could experience during their time in the position. Multiple scenes involve sexual assault, domestic violence, and rape of students from various genders and sexual orientations.
- **“Take Back the Night” and “It’s on Us”** – National campaigns
- **Sexual-Assault Website** - ([www.pace.edu/sexual-assault](http://www.pace.edu/sexual-assault)). Contains information pertaining to policies/procedures on sexual assault, including reporting, emergency services and follow-up care.
- **Sexual Assault: You Are Not Alone Guide** – A widely distributed guide to options, resources and support regarding sexual assault awareness, including two apps – *Just in Case* and *Circle of 6* which puts vital information and support options at our students’ fingertips.
- 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 Assault Prevention & Education.
- **Sexual Assault Awareness Month (April) and Domestic Violence Awareness Month (October) programming**, put on by Pace FIRE, the Office of Sexual Assault Prevention & Education, and campus partners.
- **One Love Escalation Training** which centers on relationship violence prevention and red flags for abuse. Training given by the Office of Sexual Assault Prevention & Education to Resident Assistants, Professional Residential Life Staff, and athletics as requested.
- **FIRE Peer Educator Program** – Designed to “Fight Ignorance and Rape with Education”.
- **PaceSafe App** – For iPhone and Android, features Emergency Numbers, Safety Walk, Report an Incident, Campus Maps, Support Resources, etc.



### Timely Warnings Notices – Safety Alerts

Timely warnings, also referred to in this Report as “Safety Alerts” 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. These Safety Alerts 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. Safety Alerts 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.



# Policies and Procedures

## Timely Warning Policy

Pace University Safety & Security Department is responsible for preparing and issuing Timely Warnings (Safety Alerts) for 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.

Safety Alerts will contain pertinent information, and when possible and applicable, a picture of the suspect. The Safety Alerts will also, as appropriate, provide tips to assist with safety and crime prevention.

The University will issue a Safety Alert as soon as pertinent information regarding the incident is available. All students and employees are automatically signed up to receive Safety Alerts via their Pace electronic mail address. All are strongly encouraged to sign up to also have the Pace University Emergency Alert System contact them with Safety Alerts via a phone call to their home and/or cell phone numbers and send a text message to their cell phone. Safety Alerts will also be issued through the University's e-mail system to students, faculty, and staff, and will also be posted on the Pace University Website (pace.edu), Social Media accounts, and on campus bulletin boards.

Safety Alerts may be updated if needed, as new information becomes available during the investigation.

Please note that a separate Safety Alert may not be issued in circumstances where the University's emergency notifications procedures described below are followed.

## Emergency Response and Evacuation Policy

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 that ensures the security of the University community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees or other crisis on campus. Such threats may include, but are not limited to, outbreaks of serious illness, gas leaks, explosion, fire, chemical or hazardous waste spill or armed intruder. Please see the "Emergency Procedures" document below which follows this "Emergency Response and Evacuation Policy" section for further information regarding procedures to follow in the event of selected types of emergency situations, including contact information for the reporting of an emergency.

The Department of Emergency Management, Environmental Health & Safety, and the Department of Safety & Security will make decisions regarding proper the response to all reports of emergencies or dangerous situations on campus. The institution will, without delay,



and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the Department of Safety and Security, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If necessary, these Departments will initiate procedures in response to such emergencies and situations, including issuing immediate notification to the campus community upon confirmation – by a security staff member or law enforcement -- of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees via text, email and voice through the Pace Alert Emergency Notification System at [www.alert.pace.edu](http://www.alert.pace.edu). The Department of Safety and Security will determine which segments of the Pace community to notify based on the location of the emergency. If there is potential that a large segment of the community will be affected, then the department has the ability to notify the entire Pace population. Assessments will continue to narrow or expand notifications to additional segments of the community as necessary. The Department of Safety & Security will determine the content of the notification, which may include recommendations such as to shelter in place; evacuate a facility, areas to avoid, as well as which campus community will receive the notification.

Pace University conducts a campus-wide test of its emergency response and evacuation procedures at least three times a year utilizing fire drills. In accordance with NYS Education Law 807, fire drills are used to familiarize building occupants on campus evacuation procedures and emergency assembly areas. All drills conducted are unannounced and are documented on fire drill observation forms and then evaluated. Each non-residential building has designated Fire Life Safety staff who are trained in evacuation and emergency procedures and residential buildings have Resident Assistants trained in these areas as well. During drills and emergency events, the Fire Life Safety staff and Resident Assistants will aid in the facilitation of evacuations and help with emergency response. Emergency procedures and evacuation guides are accessible via Pace Safe 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 at <https://www.pace.edu/security-emergency-management> and the PaceSafe smartphone app.

# EMERGENCY PROCEDURES



## EVACUATION INFORMATION

- Stay calm. Do not rush or panic.
- Evacuate the building using the nearest exit (or alternate if nearest exit is blocked) or move to a specific area if directed by the Fire Safety Director over public address system or by emergency personnel.
- Do not use the elevators!
- If safe to do so, take personal items (keys, purses, wallet, etc.).
- If there is time, secure any equipment or materials before exiting.
- Assist persons with disabilities or special needs.
- Do not re-enter the building until instructed to do so by emergency responders.



## FIRE

*If you discover a fire:*

- Evacuate the immediate area.
- Activate nearest fire alarm and call Security if safe to do so. Otherwise evacuate the building and call from outside.
- Use a fire extinguisher if properly trained.



*If you hear a fire alarm:*

- Follow evacuation procedures.
- Do not open doors if they are hot.
- Alert other people as you evacuate.
- Do not re-enter building unless instructed by emergency personnel.

## MEDICAL EMERGENCY

- Call 911 or Security immediately.
- Avoid leaving the injured person(s) except to summon help.
- Render CPR or first aid if trained and feel comfortable providing care.
- Protect yourself before rendering care and thoroughly wash hands afterwards.



## POWER OUTAGE

- Remain calm, provide assistance to others if necessary.
- Move cautiously to a lighted area. Walk towards exits marked with illuminated EXIT signs.
- Do not panic or push others while exiting.



## HAZARDOUS MATERIALS SPILL

- Notify affected individuals immediately and evacuate from the contaminated area to a safe location.
- Call Security.
- Alert others to stay clear of the area.
- Notify emergency personnel if individuals have been exposed or have information about the release.



## EARTHQUAKE

*If you are inside:*

- Duck, cover and shelter under a table/desk or against an inside wall until the shaking stops.
- Avoid windows, filing cabinets, book cases and other heavy objects.
- When tremors stop evacuate the building to a safe location away from buildings.



*If you are outside:*

- Move away from trees, signs, buildings, electric poles and wires.
- Protect your head with your arms.

## SUSPICIOUS PERSON

- Do not physically confront the person.
- Do not let suspicious person(s) into a locked building/office.
- Do not block the persons access to an exit
- Call 911 and Security. Provide as much information as possible on the person's description and their direction of travel.



## SUSPICIOUS OBJECT

- Do not touch or disturb the object.
- Call 911 and Security.
- Move at least 100 ft. from the object and be prepared to evacuate.



## ACTIVE SHOOTER

- AVOID: Leave the area as quick and quietly as possible, if safe to do so.
- BARRICADE: If you cannot exit, go to an area that can be locked or secured.
  - Stay low, hidden, and spread out.
  - Turn your cell phone to vibrate
- CONFRONT: Confront the shooter only as a last resort.
- When safe to do so CALL 911 and Security.
- If you encounter police, show your hands, follow their commands and do not make any sudden movements.



## IMPORTANT PHONE NUMBERS

**Safety and Security:** New York: (212) 346-1800 | Pleasantville: (914) 773-3400 | White Plains: (914) 422-4300

Security can also be reached by **Dialing 777** or **pressing the SECURITY button** on campus phones.

**Facilities Management:** New York: (212) 346-1521 | Westchester: (914) 923-2842

## Drug and Alcohol Policy

Pace University has a strong commitment to a healthy and safe environment for all members of the University community. The University complies with state and federal drug and alcohol laws. In addition, it seeks to enforce such laws through enforcement of its policies which prohibit the unlawful use, possession, sale, distribution, or manufacture of controlled substances and alcohol on University property or at University sponsored programs and activities. Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on University property or at University sponsored programs and activities.

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

This Policy applies to each member of the University community -- students, faculty, and staff -- as well as to contractors, vendors, licensees, invitees and visitors. This Policy is in compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, and it is distributed to every student and faculty and staff member. For more information on the student policy, see the 2017-18 edition of the Student Handbook at <http://www.pace.edu/student-handbook>. For more information on the staff/faculty policy, see the Employee Handbook accessible at <http://www.pace.edu/human-resources/employer-resources/employee-handbook-policies>.

- 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.

The possible effects of various controlled substances and alcohol, including the effects of an overdose and withdrawal, are identified in U. S. Department of Justice, Drug Enforcement Administration, *Drugs of Abuse, A DEA Resource Guide* 2017 Edition (<https://www.dea.gov/documents/2017/06/15/drugs-abuse>).

- **University Sanctions:** Any violation of the University’s Drug and Alcohol Policy may be disciplined in accordance with the University’s disciplinary procedures for students and for employees. Further, the University may refer the student or employee for criminal prosecution. Any sanction imposed by the University is independent of, and is in addition to, any penalty imposed in connection with a criminal conviction. The sanctions that may be imposed on a student include, but are not limited to, probation, and suspension, dismissal and expulsion from University housing and/or the University. The sanctions imposed on an employee may include, but are not limited to, the termination of their employment.
- **Counseling and Treatment:** Students and employees who have concerns about their use of alcohol or other drugs are urged to seek assistance. Faculty/staff may obtain counseling or referrals from Human Resources (212-346-1630 in New York; 914-923-2730 in Westchester); the Pace University Employee Assistance Program, which is administered by CIGNA’s Life Assistance Program (1-800-538-3543); and through the internet at <http://www.cignabehavioral.com/cgi>. The User ID is “lap” and the Password is “member”.

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:

- **The Drinking Game** - an interactive board game based on a harm-reduction approach to use of alcohol.
- **Weed Wars** - an interactive competition focused on marijuana.
- **The Ills of Pills: 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.
- Individual and group counseling.
- Alcohol and Other Drug Assessments and the **Just in Case** app.

#### Resources for students seeking counseling or referrals include:

<u>New York Campus</u>	<u>Westchester Campuses</u>
<i>Dean for Students</i> - 212-346-1306	<i>Dean for Students – Pleasantville</i> -914-773-3351
<i>Office of Residential Life</i> -212-346-1295	<i>Dean Of Students – Law School</i> - 914-422-4146
<i>Student Development and Campus Activities</i> 212-346-1590	<i>Office of Residential Life</i> - 914-597-8777
<i>Counseling Center</i> - 212-346-1526	<i>Student Development and Campus Activities</i> 914-773-3767
<i>University Health Care</i> - 212-346-1600	<i>Counseling Center</i> - 914-773-3710
	<i>University Health Care</i> - 914-773-3760

## Missing Student Notification Policy

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 member of Housing and Resident Life, the Dean for Students Office or the Pace Safety & Security Department.

<u>New York Campus</u>	<u>Pleasantville Campus</u>	<u>White Plains Campus</u>
<i>Safety &amp; Security</i> 212-346-1800	<i>Safety &amp; Security</i> 914-773-3400 or 3700	<i>Safety &amp; Security</i> 914-422-4300
<i>Dean of Students</i> 212-346-1306	<i>Dean of Students</i> 914-773-3351	<i>Dean Of Students</i> 914-422-4146
<i>Office of Residential Life</i> 212-346-1295	<i>Office of Residential Life</i> 914-597-8777	<i>Office of Residential Life</i> 914-422-4136

Pace University Safety & Security Department will prepare a report and begin an investigation.

In situations where the Safety & Security Department receives a report of a student missing less than 24 hours, they may, in coordination with Residential Life and Dean of Students, conduct a brief investigation of the missing student report.

Within 24 hours of the Safety & Security Department receiving a missing resident student report, unless the student is located through the brief investigation, the Safety & 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 or guardian (if under 18 years of age and not emancipated). Additionally, Safety & 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); provided that such reporting requirement shall take into consideration applicable Federal Law, including, but not limited to, the Federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(F) which gives the victim of a Sexual Offense the right on whether or not to report such offense to local law enforcement agencies. The Safety & Security Department will support the investigation by local law enforcement as needed.

Students living in Pace University housing facilities may register the name/contact information of the person/s they wish to be contacted in the event that the student is missing, with such contacts to be contacted not later than 24 hours after the time the student is determined

missing. Only authorized campus officials and law enforcement officers in the furtherance of a missing person's investigation will be permitted access to this information.

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

When the Safety & 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 Offense the right on whether or not to report such offense to local law enforcement agencies. In such situations, the Safety & Security Department's primary concerns are:

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

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

Pace Safety & 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 & 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 and Non Sex-Based Misconduct Policy and Procedure**

#### **STATEMENT OF POLICY AND GOALS**

Pace University is committed to providing a safe environment for every member of its community and to ensuring that no student, faculty or staff member is excluded from participation in or denied the benefits of any University program or activity on the basis of sex. Accordingly, the University prohibits the following forms of Sex-Based Misconduct: sexual



assault, sexual harassment, gender-based harassment, dating violence, domestic violence, sexual exploitation, and stalking. This Policy also applies to dating violence, domestic violence and stalking that is not sex-based (definitions of these terms can be found below per Pace policy.) All references in this Policy to “Sex-Based Misconduct” shall also be deemed to apply to non sex-based dating violence, domestic violence and stalking. Under certain circumstances an attempt to violate this Policy and Procedure may itself be considered a violation. The use of alcohol or other drugs will not be accepted as a defense to a violation of this Policy and Procedure.

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

Members of the University community who believe 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, upon receiving a report, the University will respond promptly and fairly. When appropriate, the University will take steps to prevent future incidents and to ameliorate the effects of past incidents.

Pace University is committed to the following goals:

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

Nothing in this Policy and Procedure shall abridge academic freedom or the University’s educational mission. Prohibitions against Sex-Based Misconduct and other forms of discrimination and harassment do not extend to statements or written materials that are reasonably germane to the classroom subject matter.

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

### **PROHIBITED SEX-BASED MISCONDUCT DEFINED**

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

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

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

- subtle or persistent pressure for sexual activity;
- unwelcome touching of a sexual nature or impeding or blocking movements;
- requesting or demanding sexual favors concerning employment, academic activities or other activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior;
- engaging in visual conduct such as leering or making sexual gestures;
- displaying sexually suggestive or degrading objects, pictures, cartoons, posters;
- distributing sexually suggestive, pornographic or obscene material;
- making derogatory comments on the basis of sex; sexual propositions; sexually explicit jokes or jokes concerning gender-specific traits or sexual preference;

- making sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; or using sexually degrading words to describe an individual; and
- engaging in verbal or written slurs, degrading or negative stereotyping.

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

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

**Sexual Assault** encompasses two categories of misconduct---Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse.<sup>4</sup>

**Nonconsensual Sexual Contact** is any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) without Affirmative Consent. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without Affirmative Consent to touch one's own private body part.

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

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

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<sup>4</sup> Sex offenses and the penalties for commission of such offenses under New York State law are set forth in Article 130 of the Penal Law, available online at: <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/130>.

References to Penal Code sections are provided for information purposes only. The University enforces its Policies and not the Penal Code provisions.

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

Examples of nonconsensual sexual intercourse include, but are not limited to:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

**Sexual Exploitation** occurs when, without Affirmative Consent, an individual takes sexual advantage of another. Examples of sexual exploitation include but are not limited to:

- Invasion of sexual privacy and voyeurism (e.g., observing or recording others engaged in sexual activity, whether in-person or through audio or video recording or streaming, without the consent of all involved);
- Taking intimate pictures of another but then distributing the pictures to others without the photographed person's consent;
- Engaging in sexual activity with another while knowingly infected with a sexually transmitted 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.

**Domestic Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion, isolation, stalking, or other forms of verbal, emotional, sexual or economic abuse directed towards (i) a current or former spouse or intimate partner; (ii) a person with whom one shares a child; or (iii) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.<sup>5</sup>

**Dating Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of "domestic violence."

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<sup>5</sup> Further information about New York State Domestic Violence related laws is available online at <http://statelaws.findlaw.com/new-york-law/new-york-domestic-violence-laws.html>.

**Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for her, his, or others' safety, or to suffer substantial emotional distress.<sup>6</sup> Examples of stalking include but are not limited to:

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

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

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

**Affirmative Consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender, gender identity, or gender expression.

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

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

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<sup>6</sup> In addition to being a violation of this Policy and Procedure, stalking is a violation of the Penal Law. Stalking offenses under New York State law are defined in Penal Law Sections 120.45 – 120.60, which are accessible online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/120>.

the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.

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

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

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

#### **JURISDICTION AND SCOPE - When and to whom do this Policy and Procedure apply?**

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

The Complaint Procedure applies if the alleged victim (the "Complainant") or the Respondent is a Pace University undergraduate, graduate or professional school student, faculty member, staff member, administrator or third party.

This Policy and Procedure applies regardless of the Complainant's or the Respondent's sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability or other status protected by law.

Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this Policy and Procedure (e.g. to make a report, file a complaint, participate in investigatory interviews, and exercise other procedural rights).

### **ADMINISTRATION AND ENFORCEMENT - Who administers this Policy and Procedure?**

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

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

### **MEDICAL ATTENTION AND EVIDENCE PRESERVATION**

Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention. Medical attention is available through University Health Care or at local hospital Emergency rooms (listed below). To gain assistance in getting to an emergency room, a victim can call 911 or notify Security. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections.

Communications with medical staff are confidential. Medical staff will not report the incident to the University.

Seeking medical attention will in no way obligate a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact police will not impact the University's investigation process.

### **AVAILABLE MEDICAL FACILITIES**

<b><u>New York City Campus</u></b>	<b><u>Pleasantville &amp; White Plains Campuses</u></b>
<i>Pace University Health Care</i> 1 Pace Plaza, 6 <sup>th</sup> Floor East (212) 346-1600 (M–F, 9:00 a.m.–5:00 p.m.)	<i>Pace University Health Care</i> Paton House, Ground Floor (914) 773-3760 (M–F, 9:00 a.m.–5:00 p.m.)
<b><u>New York City Hospitals</u></b> <i>Mount Sinai Medical Center Sexual Assault and Violence Intervention Program (SAVI)</i> One Gustave Levy Place (212) 423-2140 <a href="http://www.mssm.edu/SAVI">www.mssm.edu/SAVI</a>	<b><u>Westchester Hospitals</u></b> <i>Westchester Medical Center</i> 100 Woods Road, Valhalla (914) 493-7000
<i>New York-Presbyterian/Lower Manhattan Hospital</i> ( <a href="http://www.nyp.org/lowermanhattan">www.nyp.org/lowermanhattan</a> ) 170 Williams Street - (212) 312-5000 (Available 24/7)	<i>Phelps Memorial Hospital</i> 701 N. Broadway, Sleepy Hollow (914) 366-3000
<i>New York Presbyterian Hospital/Columbia Campus</i> 622 W. 168th Street - 212-305-2500	<i>New York Presbyterian Hudson Valley Hospital</i> 1980 Crompond Rd, Cortlandt Manor 914-737-9000



<p><i>Domestic and Other Violent Emergencies Program</i> 622 West 168th Street - 212-305-9060</p> <p><i>NY Presbyterian Hospital/Weill Cornell Medical Center</i> 525 East 68th Street - 212-746-5454</p> <p><i>Bellevue Hospital Center</i> 462 First Avenue - 212-562-4141/ 212-562-4347</p> <p><i>Bellevue Hospital Center Rape Crisis Program</i> 462 First Ave. &amp; 27th St. C&amp;D Building, 4th Fl, Rm 408 212-562-3755</p> <p><i>Beth Israel Medical Center</i> 16<sup>th</sup> St. and First Ave. – 212-420-2000/212-420-2840</p> <p><i>Harlem Hospital Center</i> 506 Lenox Avenue - 212-939-1000</p> <ul style="list-style-type: none"> <li>• <i>Center for Victim Support, R. 6111 MLK</i> 212-939-4621/ 212-939-4613</li> </ul> <p><i>Mount Sinai Beth Israel Medical Center</i> First Ave. at 16th Street - 212-420-2000/212-420-2840</p> <p><i>St. Luke's-Roosevelt Hospital</i> 1000 Tenth Ave. at 58<sup>th</sup> St. - 212-523-4000</p> <p><i>St. Luke's Hospital</i> 1111 Amsterdam Avenue at 114th Street 212-523-4000</p> <p><i>Rape Crisis &amp; Domestic Violence Intervention Program</i> Dept. of Social Work - 317 E 17th St. 212-420-4516</p>	<p><i>Lawrence Hospital Center</i> 55 Palmer Ave, Bronxville 914-787-1000</p> <p><i>Mount Vernon Hospital</i> 12 N 7th Ave, Mount Vernon 914-664-8000</p> <p><i>Northern Westchester Hospital</i> 400 East Main Street, Mount Kisco 914-873-0902</p> <p><i>St. John's Riverside Hospital</i> 967 N Broadway, Yonkers 914-964-4444</p> <p><i>Sound Shore Medical Center</i> 16 Guion Place, New Rochelle 914- 632-5000</p> <p><i>White Plains Hospital Center</i> 41 East Post Road, White Plains 914-681-0600</p>
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Victims are advised that the best way to preserve evidence of sexual assault is to avoid bathing or washing yourself before being examined. You should not take a shower, wash hands or face, comb your hair or douche. Normal everyday behavior, such as going to the bathroom, can destroy or remove evidence of sexual assault; you should try to avoid doing so if possible. Similarly, you should try not to smoke or drink anything. Altering your appearance can hide bruising or lacerations that can be cited as evidence when pressing charges. It is best not to apply make-up or any other substance that can change your appearance.

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

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

It is important to note that failure to take the steps described above does not preclude you from reporting an incident to the University or to the police.

## **REPORTING AN INCIDENT OF SEX-BASED OR NON SEX-BASED DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING**

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

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

- A ***confidential resource*** does not reveal the information shared with him/her without the disclosing person's consent. (There may be instances where a confidential resource must disclose information because required by law or as part of a criminal or civil court proceeding, but those are very limited circumstances.) A list of confidential resources is provided below in this Policy, but usually confidential resources are counselors and healthcare providers. The only University employees who can offer confidentiality are those listed as confidential resources below.
- A ***non-confidential resource*** is a person who must report information to others with a need to know. A University member who is a non-confidential resource will disclose to as few individuals as possible, but a non-confidential resource does not have the ability to promise that he/she will not tell others within the University about the information that has been shared with him/her. At a minimum, a non-confidential resource will share all information with the Title IX Coordinator/Affirmative Action Officer.

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

#### **A. Non-Confidential Reporting Resources.**

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

##### **New York City**

One Pace Plaza, G-Level  
(212) 346-1800

##### **Pleasantville**

Alumni Hall  
(914) 773-3700

##### **White Plains – Haub School of Law**

Preston Hall  
(914) 422-4111

- Reporting to Law Enforcement. Acts of violence, including sexual assault and stalking, are against the law. If you would like to report an incident to police, you can do so by calling 911 or the following local police authorities:

#### **NEW YORK CITY**

##### **Downtown (One Pace Plaza)**

New York City Police Department  
1 Police Plaza  
New York, New York 10038  
(646) 610-5000

##### **Midtown**

New York City Police Department  
Mid-Town North Precinct  
306 W. 54<sup>th</sup> Street  
New York, New York 10019  
(212) 767-8447 (Community Affairs Unit)

#### **PLEASANTVILLE**

Mt. Pleasant Police Department  
(914) 769-1941  
[www.mppdny.com](http://www.mppdny.com) (click on Sex Offender Registry)

#### **WHITE PLAINS**

##### **White Plains Police Department**

77 South Lexington Avenue  
White Plains, New York 10601  
(914) 422-6224 (Special Victims Unit)

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

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

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

Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University's internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay. The University will cooperate with any criminal proceedings as permitted by law.

Pace University has adopted a Security and Police Coordination Plan for Investigation of Criminal Offenses (Including Violent Felony Offenses) and Missing Students Report, which provides for the investigation of any violent felony offense occurring at a University owned or leased facility or at a University-sponsored off campus program or event. University Security

officers and the local police can help ensure your safety at the scene as well as accompany you to the hospital for medical attention or arrange for ambulance service.

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

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

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

A Responsible Employee cannot guarantee that the University will be able to honor a victim's request for confidentiality. Responsible Employees, including Non-confidential Resources, will make their best effort to maintain the student's privacy and will only disclose what the student shares to the Title IX Coordinator/Affirmative Action Officer and as necessary to protect the safety of the victim and the University community.

#### **Contact information for the University's non-confidential Responsible Employees**

<b>New York City Campus</b>	<b>Pleasantville Campus (Serving Valhalla)</b>	<b>Law School Campus</b>
<b>University Safety &amp; Security</b> 1 Pace Plaza, G-Level 212-346-1800 Available 24/7	<b>University Safety &amp; Security</b> Alumni Hall 914-773-3400 Available 24/7	<b>University Safety &amp; Security</b> Preston Hall 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 907 212-346-1306  <b>Title IX/Affirmative Action Office</b> 163 William Streets, 10 <sup>th</sup> Floor 212-346-1310  <b>Residential Life and Housing</b> 1 Pace Plaza, 6 <sup>th</sup> Floor 212-346-1295 Available 24  <b>Human Resources</b> 100 Summit Lake Drive, 3rd Floor (914) 923-2730	<b>Office of the AVP/Dean for Students, Student Affairs</b> Kessel Student Center 914-773-3351  <b>Title IX/Affirmative Action Office</b> 914-923-2610  <b>Residential Life and Housing</b> Elm Hall, Suite 132 914-597-8777 Available 24/7  <b>Human Resources</b> 100 Summit Lake Drive, 3rd Floor (914) 923-2730	<b>Dean for Students</b> Aloysia Hall 914-422-4146  <b>Title IX/Affirmative Action Office</b> 914-923-2610  <b>Residential Life and Housing</b> Dannat Hall 914-422-4107 Available 24/7  <b>Human Resources</b> 100 Summit Lake Drive, 3rd Floor (914) 923-2730
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Other Supervisory Personnel and Faculty. Contact information for other University supervisory personnel and faculty members, all of whom are deemed Responsible Parties, are listed in the University White Pages, available online at <https://whitepages.pace.edu/>.

#### B. Confidential Resources and Support—Who Can I Talk to Confidentially?

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

### Confidential Resources

New York	Westchester Campuses (Serving Pleasantville, White Plains and Valhalla)
<u><b>On-Campus Resources</b></u> <b>Pace University Counseling Center</b> 156 William Street, 8 <sup>th</sup> Floor 212-346-1526 Available 24/7  <b>Office of Sexual Assault Education and Prevention</b> Juliette Verrengia Sexual Assault Education and Prevention Specialist 212-346-1931 jverrengia@pace.edu  <b>Peer Advocates Against Sexual Assault (PAASA)</b> paasa@pace.edu	<u><b>On-Campus Resources</b></u> <b>Pace University Counseling Center</b> Administrative Center 914-773-3710 Available 24/7  <b>Office of Sexual Assault Education/ Prevention</b> 914-597-8783  <b>Fighting Ignorance and Rape Education (FIRE)</b> fire@pace.edu

<p><b>University Health Care</b>  1 Pace Plaza, 6<sup>th</sup> Floor East  212-346-1600  Academic Semesters:  M-F 8am-6pm  Winter/Summer Sessions:  M-F 9am-5pm</p> <p><b><u>Off-Campus Resources</u></b></p> <p><b>Anti-Violence Project</b>  <b>Resource for LGBTQ+Survivors</b>  212-714-1141  <a href="http://www.avp.org">www.avp.org</a></p> <p><b>New York State Coalition Against Sexual Assault</b>  <b>(Available 24/7)</b>  1-800-942-6906 or <a href="http://www.nyscasa.org">www.nyscasa.org</a></p> <p><b>RAINN – Rape Abuse and Incest National Network</b>  <b>(Available 24/7)</b>  1-800-656-HOPE (4673) or <a href="http://www.rainn.org">www.rainn.org</a></p> <p><b>Safe Horizons</b>  <a href="http://www.safehorizon.org">www.safehorizon.org</a>  <b>Safe Horizon Rape and Sexual Assault and Incest Hotline</b>  (212) 227-3000 (available 24 hours a day)</p> <p><b>Safe Horizon Alternatives to Violence Program</b>  (718) 834-7471</p> <p><b>NYC Alliance Against Sexual Assault</b>  32 Broadway, Suite 1101  New York, NY 10004  Phone: (212) 229-0345 (English)  Fax: (212) 229-0676 fax Email:  <a href="mailto:contactus@svfreenyc.org">contactus@svfreenyc.org</a>  <a href="http://www.svfreenyc.org/about.html">http://www.svfreenyc.org/about.html</a></p> <p><b>New York City Police Department Sex Crimes Report Line</b>  (212) 267-7273 (available 24/7)</p>	<p><b>University Health Care</b>  Paton House, Ground Floor  914-773-3760  Academic Semesters:  M, W, TH 9am-6pm and T, F 9am-5pm  Winter/Summer Sessions: M-F 9am-5pm</p> <p><b>Center for Spiritual Development</b>  <b>Sister Susan Becker</b>  914-773-3767 or <a href="mailto:chaplain@pace.edu">chaplain@pace.edu</a></p> <p><b>Pace Women’s Justice Center</b>  78 North Broadway, Pace Law School  HelpLine: 914-287-0739</p> <p><b><u>Off-Campus Resources</u></b></p> <p><b>Anti-Violence Project</b>  <b>Resource for LGBTQ+Survivors</b>  212-714-1141 or <a href="http://www.avp.org">www.avp.org</a></p> <p><b>Victim’s Assistance (Available 24/7)</b>  Westchester Community Opportunity Program, Inc.  1-855-827-2255 or <a href="http://www.westcop.org/victims-assistance">www.westcop.org/victims-assistance</a></p> <p><b>New York State Coalition Against Sexual Assault</b>  <b>(Available 24/7)</b>  1-800-942-6906 or <a href="http://www.nyscasa.org">www.nyscasa.org</a></p> <p><b>RAINN – Rape Abuse and Incest National Network</b>  <b>(Available 24/7)</b>  1-800-656-HOPE (4673) or <a href="http://www.rainn.org">www.rainn.org</a></p> <p><b>Mental Health Association of Westchester Rape Hotline</b>  (914) 345-9111 (available 24/7)</p> <p><b>Victims Assistance Services</b>  <b>Westchester Community Opportunities Program</b>  2269 Saw Mill River Rd, Bldg. #3, Elmsford, NY  (914) 345-3113 Hotline: 1 (800) 726-4041</p> <p><b>Putnam Northern Westchester Women’s Resource Center</b>  Email: <a href="mailto:info@pnwwrc.org">info@pnwwrc.org</a>  Main Office: 845-628-9284  24 Hour Crisis Line: 845-628-2166</p> <p><b>NY State Police Hotline</b>  (844) 845-7269</p>
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## Additional Resources

<b>New York State Coalition Against Sexual Assault</b> 1 (800) 942-6906 <a href="http://www.nyscasa.org">www.nyscasa.org</a>	<b>New York State Office of Victim Services</b> <a href="http://www.ovs.ny.gov">www.ovs.ny.gov</a>
<b>New York State Office for the Prevention of Domestic Violence</b> 80 Wolf Road Albany, NY 12205 NYS Hotline: English: (800) 942-6906 Spanish: (800) 942-6908 <a href="http://www.opdv.ny.gov/">http://www.opdv.ny.gov/</a>	<b>National Domestic Violence Hotline</b> (800) 799-SAFE For the hearing impaired: 1 (800) 787-3224  Pace University Employee Assistance Program (for employees and faculty only) (24 hours) 1 (800) 538-3543 <a href="http://www.cignabehavioral.com/CGI">www.cignabehavioral.com/CGI</a> CIGNA Life Assistance Program

## SOURCES FOR LIST OF INDIVIDUALS REGISTERED AS SEX OFFENDERS

In accordance with the Campus Sex Crimes Prevention Act, law enforcement agencies must maintain a list of individuals that have registered as sex offenders with a state requiring registration, including employees, students, or persons carrying on a vocation with an educational institution within the jurisdiction of the local law enforcement agency. A listing of all registered sex offenders in New York State is maintained by the New York State Offender Registry Information Line at 1 (800) 262-3257; [www.criminaljustice.state.ny.us/nsor/index.htm](http://www.criminaljustice.state.ny.us/nsor/index.htm).

## How Will the University Respond if I Request Confidentiality after Reporting to a Campus Security Authority (Responsible Employee)?

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

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

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

- The risk that the alleged perpetrator will commit additional acts of Sex-Based Misconduct or other violence, which may be assessed by evaluating:
  - whether there have been other complaints about the same alleged perpetrator;



- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence); and
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

#### **AMNESTY FOR INDIVIDUALS WHO REPORT SEX-BASED MISCONDUCT**

The health and safety of every student at Pace is of utmost importance. The University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Pace strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to University officials. A student bystander or student incident participant acting in good faith, who reports or discloses any incident of domestic violence, dating violence, stalking or sexual assault to Pace University officials or law enforcement will not be subject to the University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault, in accordance with the University's Drug and Alcohol Amnesty Policy: <http://www.pace.edu/amnestypolicy>.

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

The University has a duty to make disclosures and report data about various forms of Sex-Based Misconduct in accordance with the Clery Act. No personally identifiable information is disclosed, but statistical and certain other information is disclosed as part of the University's required publically available recordkeeping (e.g., Annual Security Report, crime log). Such information includes the date, location type (residence hall, public property, off-campus, etc.), and specific crime category.

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

## PROTECTIVE AND REMEDIAL MEASURES

After reviewing the complaint, the Title IX Coordinator/Affirmative Action Officer in consultation with the relevant Deans for Students and Academic Deans may take interim protective measures to protect the safety and well-being of the individuals involved and the University community. In connection therewith, the University will provide written notification to victims about options for, available assistance in, and how to request changes to: (a) academic, (b) living, (c) transportation, and (d) working situations or protective measures. The University is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. These actions may be instituted at any point during the complaint and investigation process, including at the determination stage, or even if the victim does not wish to pursue the complaint and investigation process.

If the University determines that it can respect a victim's request for confidentiality, the University will still take action as necessary to protect and assist the victim. The request for confidentiality may, however, limit the type of protective measures that can be taken.

Information regarding the protective measures taken will be treated as confidentially as possible and will only be shared with those necessary to effectuate the protective measures.

Protective measures include<sup>7</sup>:

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

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

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<sup>7</sup> The specific protective measures to be taken in any particular case will be determined by the Dean for Students in coordination with the Security and Title IX offices, taking into consideration factors such as, but not necessarily limited to, the following: the specific needs expressed by the Complainant; the age of the individuals involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location; and whether other judicial measures (e.g., civil protection orders) have been taken to protect the Complainant. Determination of the appropriate protective measures will take into consideration which will be most effective at minimizing the burden on the Complainant.

Failure to comply with a directive relating to a protective measure may lead to further disciplinary action.

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

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

In addition to the measures that the University may take, law enforcement may be able to provide additional protections, such as an order of protection. Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Pace University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused's right to enter or remain on University property, and the University will abide by a lawfully issued order of protection. University officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and

- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

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

### **SANCTIONS FOR VIOLATING THIS POLICY**

Those found to have violated this Policy and Procedure will be subject to disciplinary action.

The University may impose any of the following sanctions:

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

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

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

- Suspended after a finding of responsibility for a code of conduct violation;
- Expelled after a finding of responsibility for a code of conduct violation; or
- Withdrew with conduct charges pending.

Transcript notations for suspensions may be removed at the discretion of the University, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

### **COMPLAINT PROCEDURE**

This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of Sex Based Misconduct or retaliation; (ii) appropriate disciplinary action against

an individual found to have engaged in prohibited conduct<sup>8</sup>; and (iii) appropriate remedies for a victim of Sex-Based Misconduct or retaliation.

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

### **THE COMPLAINT**

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

### **TIMELINESS OF COMPLAINT**

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

### **PRELIMINARY DETERMINATION**

Prior to the commencement of an investigation under this Policy, the Title IX Coordinator/Affirmative Action Officer shall make a preliminary determination as to whether the complaint or report of an alleged violation is within the scope of this Policy (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute a violation of this Policy). If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report of an alleged violation is not within the scope of this Policy, the Complainant will be informed that the complaint has been dismissed on those grounds, or, where appropriate, the complaint or report will be referred to appropriate University administrators for their consideration in accordance with other applicable University policies.

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<sup>8</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 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.

### **REPORTS FROM THIRD PARTIES**

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

### **PUBLIC AWARENESS EVENTS**

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

### **ADVISORS**

Student Complainants and Student Respondents are entitled to have an advisor of their choice accompany them to all meetings and interviews relating to an incident of Sex-Based Misconduct. Advisors are present to provide support and guidance to the student. Advisors are not permitted to advocate for or represent the Complainant or Respondent, to address the Investigator or otherwise intervene in the meeting or interview. Advisors are permitted to speak to their advisee quietly. Advisors who disrupt the proceedings may be asked to leave. In cases involving allegations of sexual assault, dating violence, domestic violence and stalking, Complainants and Respondents who are employees or third parties are also entitled to have an advisor of their choice present as described above.

### **MEDIATED RESOLUTION**

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

### **THE INVESTIGATION**

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

### **SELECTION OF THE INVESTIGATOR**

In the ordinary course, the Investigator will be the Title IX Coordinator/Affirmative Action Officer. However, if the Title IX Coordinator/Affirmative Action Officer is unavailable or has a conflict of interest, or the University determines due to the circumstances that another

Investigator should investigate the complaint or report, then the Investigator will be selected from a pool of individuals from the University who have been trained in the requirements of this Policy, on issues relating to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability. Similarly trained individuals from outside the University, who may be attorneys, may also be selected to be the Investigator. Selection of an Investigator will be by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel when appropriate.<sup>9</sup>

### **CONDUCT OF THE INVESTIGATION**

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

- give the Respondent proper notice of the complaint and investigation and provide him or her an opportunity to provide information;
- interview the Complainant, the Respondent and any material witnesses (the Investigator will not interview witnesses whose sole purpose is to provide character evidence);
- gather all relevant documentary and/or physical evidence;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline<sup>10</sup>; and
- maintain communication with the Complainant and the Respondent on the status of the investigation and overall process.

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s) as well as the names of witnesses and any other evidence. The Investigator will have sole discretion to determine which witnesses to interview. Neither the Complainant nor the Respondent will have the right to question any witnesses or to be present during such questioning. In addition, both the Complainant and Respondent shall have the right to have their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment excluded from admittance in any investigatory and/or disciplinary proceeding held under this policy. If either party offers information relating to the parties' sexual history with one another, the other will have the right to respond.

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

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

<sup>10</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.



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

The time needed to complete an investigation will vary based upon several factors, including the complexity, severity and extent of the allegations. It is expected most investigations will be completed within thirty (30) calendar days.

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

### **INVESTIGATOR'S REPORT**

Following the completion of the investigation, the Investigator shall prepare a written report of the investigation ("Investigation Report") that contains the following, except as prohibited by law:

- a copy of any written complaint filed by the Complainant and if none was filed by the Complainant, then a written summary of the complaint or report prepared by the Investigator;
- copies of any documents relevant to the investigation;
- to the extent known by the Investigator, the name(s) of the Complainant(s), the name(s) of the Respondent(s), the name of every person interviewed by the Investigator in connection with the investigation, the name of any persons presented by the parties as witnesses and a summary of any evidence provided;
- the name of each individual the Investigator attempted to interview but did not interview in connection with the investigation, the attempts that the Investigator made to interview such individual(s) and the reason(s) why such individual(s) was not interviewed;
- a summary of each interview conducted by the Investigator in connection with the investigation;
- a list of the relevant facts that the Investigator found during the investigation;
- a recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy is substantiated or unsubstantiated using a preponderance of the evidence standard<sup>11</sup>

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<sup>11</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.

- 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<sup>12</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, sanction(s), including suspension, expulsion or termination, should be taken against the Respondent.

Prior to submitting the Investigation Report to the Decision Maker, the Investigator shall give the Complainant and Respondent an opportunity to review, on campus, the draft report and the information in the case file (subject to appropriate redaction, including as permitted and/or required by law), but neither will be provided with a copy of the report. In most cases, the draft Investigation Report will be prepared and available for the parties' review within ten (10) calendar days of the conclusion of the investigation. This time may be extended based on the complexity of the allegations and the scope of the investigation. Both the Complainant and Respondent will have five (5) calendar days to submit written comments to the Investigator. The Complainant and Respondent will then be given an opportunity to review the submission of the other party. The Investigator will revise, if appropriate, and finalize the Investigation Report (including the findings of fact and recommendations) and deliver it to the appropriate Decision Maker listed in the Complaint Procedure Diagram or his/her designee. In most cases, the Investigator will finalize the Investigation Report and provide it to the Decision Maker within seven (7) calendar days, but this time may be extended if necessary due to the content of the parties' submissions following their review of the draft Investigation Report. Upon written request to the Investigator, the Complainant and Respondent shall then have an opportunity to review, on campus, the final Investigation Report (subject to appropriate redaction, including as permitted and/or required by law), but they shall not be provided a copy and shall not be permitted to submit a response.

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

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<sup>12</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 violations may be considered by the Investigator, Faculty Review Committee, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case.

### **ASSIGNED INVESTIGATOR, DECISION MAKER AND APPEAL OFFICER**

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

#### **COMPLAINT PROCEDURE DIAGRAM**

<b>Respondent</b>	<b>Investigator</b>	<b>Decision Maker</b>	<b>Appeal Officer(s)</b>
Faculty Member	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 or Another Investigator From Trained Pool	Campus Dean for Students for the campus other than where the incident occurred	Provost or their designee & two (2) trained University officials to be appointed by Title IX Coordinator/Affirmative Action Officer
Staff	Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool	Vice President for Human Resources	Vice President Finance/Controller
Third Party	Title IX Coordinator/ Affirmative Action Officer or Another Investigator From Trained Pool	Vice President Finance/Controller	Chief Financial Officer
President or Senior Executives who report to him/her	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(S)**

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(s) based on a conflict of interest or other facts suggesting 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>13</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.

## **THE DECISION**

The Decision Maker shall issue written notification to the Complainant and Respondent of the Decision Maker's determination as to whether the Respondent violated this Policy, which determination, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In most cases, the Decision Maker will issue this written determination within seven (7) calendar days of receiving the Investigation Report, but this time may be extended, based on the complexity of the situation under consideration. In making the determination as to whether the Respondent violated this Policy, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings of Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker's determination. If the Decision Maker concludes that the Respondent is responsible for violation of this Policy, then both the Complainant and Respondent will be permitted to submit a written impact statement to the Decision Maker for purposes of the determination of appropriate sanctions. The parties will have two calendar days to submit their impact statement to the Decision Maker. The Decision Maker may consult with other University officials in determining 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

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<sup>13</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.

well as the rationale for the decision and sanctions. In most cases, the 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 persons to whom the written Decision shall be issued are: the Investigator, the Respondent, the Complainant, if any, and the Faculty Review Committee if the Respondent is a faculty member. The Decision Maker shall also forward copies of the parties' written impact statements, if any, to the Investigator and the Faculty Review Committee if the Respondent is a faculty member. In addition, the Decision Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.<sup>14</sup>

## **APPEALS**

Within five (5) calendar days of the date of receipt of the Decision, the Complainant, if any, or the Respondent may file a written appeal to the appropriate Appeal Officer(s) listed in the Complaint Procedure Diagram. The appeal must include a detailed statement setting forth the ground(s) upon which the appeal is based. The sole grounds upon which a Complainant may base an appeal are as follows:

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

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

- the finding that the violation was substantiated was not based on a preponderance of the evidence;
- material evidence exists that was not available to the Investigator or Decision Maker during the investigation or prior to the issuance of the Decision;

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<sup>14</sup> If the Complainant or Respondent is a faculty member, the Decision Maker shall not issue a decision until after the earlier of his or her receipt of the Faculty Review Committee's comments/recommendations or the expiration of the five (5) 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 (5) 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 Investigator or Decision Maker made a substantial procedural error that may have affected the investigation or the Decision;
- the Investigator or Decision Maker had a conflict of interest that may have affected the investigation or Decision and was not known to the Respondent prior to the investigation or issuance of the Decision; and/or
- any disciplinary measure(s) to be taken against the Respondent is excessive.

Within five (5) business days of receiving the timely appeal, the appropriate Appeal Officer(s) shall request that the Investigator forward to the Appeal Officer(s): (i) the Investigation Report, (ii) copies of the parties' written impact statements, if any, (iii) the Decision made by the Decision Maker; and (iv) the Decision Maker's written communications to the Complainant and Respondent informing each of the outcome of the investigation. After receiving such a request, the Investigator shall forward these documents to the Appeal Officer(s) within three (3) business days. Within three (3) business days of receiving a timely appeal, the Appeal Officer(s) shall forward the appealing party's submission to the other party who shall have five (5) business days to submit a written response. In most cases, within seven (7) business days of receiving the other party's response to the appeal submissions, 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 to the Investigator, the Decision Maker, the Complainant, if any, 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 Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer(s) shall forward the appeal decision to any University officials the Appeal Officer(s) believes should be made aware of the appeal decision. Unless the Appeal Officer(s) sends the decision back for further investigation, the appeal decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, which the Complainant and Respondent shall have an opportunity to review, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

#### **MISCELLANEOUS PROVISIONS**

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

- Students may utilize this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the U.S. Department of Education and/or the Office of Civil Rights of the U.S. Department of Health and Human Services. The websites for these agencies are [www.ed.gov](http://www.ed.gov) and [www.HHS.gov](http://www.HHS.gov), respectively.
- 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.

## **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, but it does provide for release of certain student disciplinary information, such as the report on the final results of a disciplinary proceeding, without a student's consent in certain circumstances.

Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings. Additional information about the University's FERPA policies can be found at: <http://www.pace.edu/osa/student-records/pace-university-ferpa-policy>.

## **ADDITIONAL RESOURCES**

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

U.S. Department of Ed/ Office for Civil Rights  
[www.ed.gov/ocr](http://www.ed.gov/ocr)  
 US Department of Education  
 Office for Civil Rights  
 New York—Region II  
 32 Old Slip, 26th Floor  
 New York, NY 10005  
 (646) 428-3800  
[OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

US Department of Justice, Office on Violence  
 Against Women  
<http://www.ovw.usdoj.gov>  
 US Department of Justice  
 Office on Violence Against Women  
 145 N Street, NE, Suite 10W.121  
 Washington, DC 20530  
 (202) 307-6026



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

All students have the right to:

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

## **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 the 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 or <https://ovs.ny.gov>.
- D. Disclose confidentially the incident and obtain services from the state or local government;
- E. Disclose the incident to the University's Responsible Employees who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject 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 procedures;
- G. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a confidential or private employee assist in reporting to Human Resources;
- H. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings; and
- I. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so; and
- J. Receive written notification about (a) existing counseling, (b) health, (c) mental health, (d) victim advocacy, (e) legal assistance, (f) visa and immigration assistance, and (g) other services available for victims both within the University and in the community.



## COMPLAINT FORM

Date(s) of Incident(s): \_\_\_\_\_

Complainant: \_\_\_\_\_

Person(s) About Whom Complaint Is Made: \_\_\_\_\_

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

Name(s) of Witness(es), if any: \_\_\_\_\_

Has the incident(s) been reported before? ☐ Yes ☐ No

If yes, when, to whom and what was the resolution? \_\_\_\_\_

Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

Complaint Received By: \_\_\_\_\_

Name/Signature, Title

Date \_\_\_\_\_

**Last Updated: July 2018**

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## **Notice of Non-Discrimination, Policy Against Discrimination, Non Sex-Based<sup>15</sup> Harassment and Retaliation**

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

Accordingly, Pace University does not discriminate on the basis of race, color, national origin, sex, disability, age or other protected characteristic in its programs and activities. 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

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<sup>15</sup> This Policy and Procedure does not apply to reports of sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation, and stalking, which are subject to investigation exclusively pursuant to the University’s Sex-Based Misconduct Policy and Procedure, online at <http://www.pace.edu/sexual-assault/policies-and-procedures>.

orientation, sex, gender identity, age, race, nationality, religion or disability of parties and witnesses. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this Policy and Procedure.

### **DEFINITION OF DISCRIMINATION**

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

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

Prohibited Discriminatory practices include:

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

### **DEFINITION OF HARASSMENT**

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>16</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 a 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.

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<sup>16</sup> See the University's Sex-Based Misconduct Policy (referenced above) pursuant to which complaints and reports of sexual and gender based harassment are investigated.

## **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, Arletha (Lisa) Miles, is responsible for ensuring the University's compliance with discrimination laws and for administering this Policy and Procedure. She can be reached at address: Pace University, 163 William Street, 10th Floor, Room 1017, New York, NY 10038; phone: (212) 346-1310; or e-mail: amiles@pace.edu.

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

## **FILING A COMPLAINT**

Complaints of prohibited Sex-Based Misconduct, 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.

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.

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



### **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.

### **CONFIDENTIALITY**

The University shall keep all complaints of prohibited Sex-Based Misconduct, Discrimination, Harassment and/or Retaliation Discrimination, 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.

### **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, but it does provide for release of certain student disciplinary information, such as the report on the final results of a disciplinary proceeding, without a student's consent in certain circumstances. Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings. Additional information about the University's FERPA policies can be found at: <http://www.pace.edu/osa/student-records/pace-university-ferpa-policy>.

## 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 calendar years regarding the (1) number and cause of fires at all on-campus student housing facilities; (2) number of fire related deaths and/or fire-related injuries that resulted in treatment at a medical facility; and (3) value of fire related property damage. The University must also provide information on, among other things, evacuation procedures, fire safety education and training programs, fire safety systems in each student housing facility, the number of regular fire drills, and all policies regarding portable electrical appliances, smoking and open flames. This information is provided below as part of the University's Fire Safety Report.

### Fire Statistics

The below table lists the number of fires, the cause of each fire, the number of deaths related to the fire, the number 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 2017

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 2018

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 2018

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

## Fire Safety Systems for On-Campus Student Housing

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

**Fire Safety Systems in Student Housing Facilities**

Campus	Residence Hall	Proprietary Fire Alarm System	Full Sprinkler System*	Smoke Detection	Fire Extinguisher	Evacuation Plans Posted	Yearly Fire Drills	Sprinkler Inspection Date	Fire Alarm Inspection Date
Pleasantville	Martin Hall	X	X	X	X	N/A	4	7/12/19	1/11/19
	Alumni Hall	X	X	X	X	N/A	4	7/12/19	1/11/19
	Elm Hall	X	X	X	X	N/A	4	7/12/19	1/12/19
	North Hall	X	X	X	X	N/A	4	7/12/19	1/9/19
	Townhouses	X	X	X	X	N/A	4	7/25/19	1/11/19
White Plains	Dannat Hall	X	X	X	X	X	4	7/5/19	1/4/19
New York City	182 Broadway	X	X	X	X	X	4	7/1/19 & 7/10/19	7/1/19 & 7/10/19
	Maria's Tower 1 Pace Plaza	X	X	X	X	X	4	8/26/19	7/1/19 & 7/10/19
	55 John St	X	X	X	X	X	4	7/21/19	7/30/19
	33 Beekman	X	X	X	X	X	4	7/3/19 & 7/15/19	7/3/19 & 7/15/19

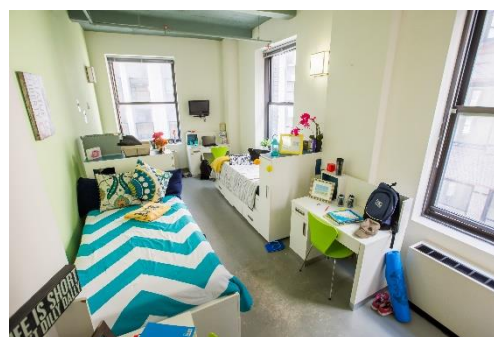
X indicates included in the fire protection system.

\* 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 & Security notifies local Fire Departments upon receiving a general building fire alarm. The following additional items are part of the Pace's Fire Alarm System: All residential apartments are non-combustible construction design and all doors are fire rated. There are strobe lights and horns in common areas and hallways.

## Fire Safety Policies and Procedures

Portable Electrical Appliances, Candles, Halogen Lamps, Hookah Pipes, Incense, Open Heating Elements, Open Flames, Tobacco Pipes, Vaporizers and Electronic Cigarettes are prohibited. Possession of candles (unless wicks are removed) and incense is prohibited. The use of standalone microwaves (with the exception of 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). Halogen lamps are strictly prohibited. Hookah pipes, tobacco pipes, vaporizers and electronic cigarettes of all kind are prohibited.



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

**Extension Cords:** Residents are permitted to use only extension cords with the following restrictions:

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

**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 a monetary summons, disciplinary action, criminal prosecution, or any combination. All violators of this policy will be documented for a violation of university policy through the judicial process.

The University specifically prohibits possession of the following items:

- |                 |                                   |
|-----------------|-----------------------------------|
| • Bars          | • Combustible fluids              |
| • Coffee pots   | • Cooking appliances              |
| • Water beds    | • Fireworks/explosives            |
| • Halogen lamps | • Candles, open flames or incense |

- Live holiday decorations such as trees, branches, and wreaths
- Hookah and other smoking devices
- Other portable electronic appliances
- Rice cooker
- Blender
- Toaster and Toaster oven
- Indoor Grill/George Foreman Grill

UL approved hot pots with an automatic shut-off are allowed, but must be registered with the Residential Life Staff at check-in.

If you are uncertain about any item please see your Residence Director/Community Coordinator and to request approval of appliances.

### 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 & 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 ensure that all students and guests have safely evacuated from the building. For resident students that are away from the building at the time of evacuation, once outside, if safe to do so, should make their way to the designated assembly area for 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 & White Plains Residence Halls** (Townhouses, Martin Hall, North Hall, Alumni Hall, Elm Hall and Dannat Hall – 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** (Maria’s Tower, 182 Broadway, 33 Beekman and 55 John) – Follow evacuation instructions outlined by the building *Fire 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 ensure 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 safely able to do so, take your Pace ID/keys, and close, but do not lock the room door.
- If safely able to do so, alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to exit the building. Pull the fire alarm manual station at the stair entrance to transmit an alarm signal.
- DO NOT USE THE ELEVATOR.
- Call 911 or campus Security (see page 6 for contact details) 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 (see page 6 for contact details) 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 attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breathes through your nose and wait for help.

### **Evacuation of Disabled Persons**

Pre-planning is of utmost importance to ensure 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 & 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 (see page 6 for contact details) and give your name and location.
- Elevators will not be used to evacuate disabled persons until the fire department determines that they are safe to use.
- The Fire Department and/or Security should be informed immediately by any member of the Pace Community as to the location of a disabled person.
- In order to evacuate persons with disabilities as quickly as possible, it will be necessary for the Safety & 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 & Security Department on your campus.

### **Listing as Disabled Persons**

If any member of the Pace Community wishes to be on the list of disabled persons for emergency evacuation, please send your name, department, extension and supervisor's name



and extension to the Human Resource Director for your location. If you are a student please send information, including class schedule to Student Life. This information will be forwarded to the Safety & Security Department. The Safety & 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 & White Plains Campuses** – Full building evacuation is mandatory.
  - **NYC 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 the 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, 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 Pace Safe 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 situation.

**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.

### **Fire Safety Education and Training Programs**

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

### **Reporting Fires**

Students, faculty and staff are instructed to call the Safety & Security Department in the event of a 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 below numbers. It is recommended that you program the below Campus Security and Emergency Management numbers into your cell phone.

#### **Safety & 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, by the date reported, any fire that occurs in an on-campus student housing facility. The Fire Incident Log includes the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire. Additional information may be requested from the Executive Director of Safety & 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. At this time there are no plans for future improvements to our fire safety systems.

## Additional Resources

***Pace University Student Policies and Procedure***

<http://www.pace.edu/student-handbook/>

***Pace University Employee Policies and Procedures***

<http://www.pace.edu/human-resources/employer-resources/employee-handbook-policies>

***Pace University Safety & Security Services***

<https://www.pace.edu/security-emergency-management/services-resources>

***Pace University Emergency Procedures***

<https://www.pace.edu/security-emergency-management/emergency-procedures>

***Pace University Emergency Alerts***

<https://www.pace.edu/security-emergency-management/emergency-alerts>

***Pace University Sexual Assault Policy***

<https://www.pace.edu/sexual-assault>

***Pace University Counseling Center***

<https://www.pace.edu/counseling>