



SEX-BASED MISCONDUCT POLICY

Effective: August 1, 2024
Revised: August 2024

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I. Policy Statement

Pace University is committed to maintaining a safe and supportive working and learning environment for all community members. The Office of Institutional Equity/Title IX Compliance is responsible for processing allegations of harassment and discrimination, including sex-based harassment, and works collaboratively across the University with students, staff and faculty to achieve its mission of ensuring a campus environment where all members of the community have equitable access to academic and professional opportunities. In accordance with Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by the Violence Against Women Act ("VAWA")/Campus Sexual Violence Act ("Campus SaVE Act"), and Article 129-A and Article 129-B of the New York State Education Law ("Enough is Enough"), Pace University prohibits all forms of sex discrimination, including sex-based harassment. Under certain circumstances an attempt to violate this Policy and Procedure may itself be considered a violation. The use of alcohol or other drugs will not be accepted as a defense to a violation of this Policy and Procedure.

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

Pace University is committed to the following goals:

- Establishing a culture of respect for others;
- Educating the University community regarding the meaning and importance of consent;
- Providing information to help members of the University community identify sex-based misconduct;
- Providing clear and concise guidelines for students and other members of the University community to follow in the event that they or someone they know have (or think they have) experienced 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 those who have experienced 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/Procedure applies to all reports of sex-based misconduct that occurred on or after August 1, 2024. Any incidents reported under this Policy/Procedure that occurred on or before July 31, 2024, will be processed through [Pace University's Sex-Based Misconduct Policy 2020 \(PDF\)](#).

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

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

II. Notice of Non-Discrimination

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

Inquiries about Title IX may be referred to:

1. Bernard Dufresne, Assistant Vice President in the Office of Institutional Equity/Title IX Compliance who serves as Pace University's Title IX Coordinator. The Office of Institutional Equity/Title IX Compliance is located on the 14th floor of 41 Park Row on the New York City Campus and in Room 133 in Elm Hall on the Pleasantville campus. The Title IX Coordinator can be reached by phone at (212) 346-1310 or email at bdufresne@pace.edu or titleix@pace.edu.
2. The U.S. Department of Education's Office for Civil Rights Assistant Secretary of the Office for Civil Rights ("OCR"), U.S. Department of Education, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue SW, Washington, DC 20202-1100. You may call the OCR main numbers toll free at (800) 421-3481 or (800) 877-8339 (TDD). Or contact OCR's New York Office at [OCR's New York Office](#) or (646) 428-3800.

To report information about conduct that may constitute sex discrimination or sex-based harassment, please refer to the [Office of Institutional Equity and Title IX Compliance website](#).

III. Non-Discrimination in Application

The requirements and protections of this Policy and Procedure apply equally regardless of sex, sexual orientation, gender identity, gender expression, race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other protected classes covered by applicable federal, state, or local law.

All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or witness. Individuals who wish to file a complaint about the institution's policy or process may contact the U.S. Department of Education's Office for Civil Rights using contact information available at [OCR's New York Office](#). Individuals may also file complaints with the New York State Division of Human Rights (DHR), using contact information available at [NYS DHR Complaint](#).

IV. Policy and Procedure Summary

This Policy prohibits all forms of sex and gender related misconduct, referred to here as "sex-based misconduct," which includes discriminating on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, and pregnancy or related conditions (described below). A person who has experienced sex-based misconduct has several options:

- 1. A report to a Confidential Resource:** A confidential resource provides emotional support and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a University investigation or any other University action to respond to the incident.
- 2. A report to a Non-Confidential Employee.** While all non-confidential University employees who receive reports of sex-based misconduct have a responsibility to notify the Title IX office, the University encourages reporting directly to either the University Safety and Security office or the Office of Institutional Equity and Title IX Compliance. The Title IX Coordinator will discuss the following options with someone who has experienced sex-based misconduct:
 - **Supportive Measures.** Supportive measures are intended to support the individual who experienced sex-based misconduct to continue their involvement in the University's program or activities. Supportive measures may include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential or work modification. A person may seek supportive measures only in response to their report, or they may request supportive measures at any time while seeking informal resolution or using the grievance procedure.

- **Informal Resolution.** An informal resolution is a resolution that the parties (i.e., the person making the allegations and the accused person) agree upon to address the situation. This is a voluntary process, and no party may be forced to accept an informal resolution.
- **Grievance Procedure.** The University's grievance procedure includes a formal investigation process. The outcome of a grievance process is either that the person accused of sex-based misconduct is found either responsible or not responsible for having committed a violation of this Policy. A violation results in appropriate sanctions and other remedies to address the violation.

3. **A report to Law Enforcement:** If an incident involves criminal conduct, the victim may make a complaint to law enforcement.

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

Anyone with questions about their options is encouraged to reach out to Bernard Dufresne, Assistant Vice President in the Office of Institutional Equity/Title IX Compliance who serves as Pace University's Title IX Coordinator. The Office of Institutional Equity/Title IX Compliance is located on the 14th floor of 41 Park Row on the New York City Campus and in Room 133 in Elm Hall on the Pleasantville campus.

V. Scope of the Policy

- This Policy applies to all sex-based misconduct occurring under Pace University's education program or activity in the United States and abroad.
- Conduct that occurs under Pace University's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by Pace University and conduct that is subject to Pace University's disciplinary authority.
- This policy applies to all students and employees. This policy also applies to all other individuals participating in or benefitting from University programs or activities.
- Pace University has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States.

VI. Sex-Based Misconduct Definitions

Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

1. **Quid pro quo harassment:** An employee, agent or other person authorized by Pace University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. **Hostile environment sex-based harassment:**¹ Consistent with New York State law, hostile environment sex-based harassment is a form of sex discrimination and a form of discriminatory harassment. Unwelcome sexual advances, requests for sexual favors, requests for sexual contact, sexual comments, physical or visual conduct of a sexual nature, and sharing or displaying sexual images constitute sex-based harassment. This includes when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular, or campus life activities; or
 - Submission to or rejection of such conduct by an individual is used as the basis for academic, student life, or employment decisions affecting that individual; or
 - Such unwelcome conduct has the purpose or effect of unreasonably interfering with another person's academic or work performance or creating an intimidating, hostile, demeaning, or offensive working, learning, campus, or living environment.
3. **Sexual Assault** means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Specifically, this includes:
 - 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 their age or because of their temporary or permanent mental incapacity.²
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

¹ This includes the following examples: unwelcome touching, pinching, patting, grabbing, brushing against another's body; subtle or obvious pressure for unwelcome sexual activities; making derogatory comments on the basis of sex, sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits or sexual orientation; or hostile actions taken against a person because of their sex, sexual orientation, or gender identity.

² Private body parts include: genital area, anus, groin, buttocks or breast, and the prohibited conduct includes contact over or under clothing.

- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
4. **Dating Violence** means any violence committed by a person:
 - who is or has been in a social relationship of a romantic or intimate nature with the victim;
 - where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.
 5. **Domestic Violence** means any felony or misdemeanor crimes committed by a person who:
 - is a current or former partner of the victim under the family or domestic violence laws of New York, or a person similarly situated to a spouse of the victim;
 - is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - shared a child in common with the victim; or
 - commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York.
 6. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.³
 7. **Sexual Exploitation** occurs when, without 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; and
 - prostituting or soliciting another community member.
 8. **Retaliation** occurs when an adverse action is taken against an individual because the individual engaged in an activity protected by law or this Policy, including intimidating, threatening, or coercing an individual who reported or complained of sex discrimination,

³ Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

including sex-based misconduct, or participated in a school or government investigation or other proceedings related to allegations covered by this Policy.

VII. Reporting Sex-Based Misconduct to Pace University

The following section discusses the various ways of reporting sex-based misconduct to the University. If you are experiencing an emergency, please dial 9-1-1 for immediate assistance.

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

2. **Employee Reporting and Notification Obligations:**
 - *Reporting Information about Sex Based Misconduct.* **All** Pace University employees, *excluding* clinical staff in the Counseling Center, University Healthcare, and the Office of Sexual and Interpersonal Wellness, are required to notify the Title IX Coordinator when the employee has information about conduct that may constitute sex-based misconduct.
 - *Notifications to Students from Confidential Resources.* When a student discloses information that may constitute sex-based misconduct to a Confidential University employee who is acting in the scope of their confidential role, the Confidential employee must notify them:
 - That the employee is confidential, including the circumstances under which the employee is not required to notify the Title IX Coordinator about such conduct;
 - How to contact the Title IX Coordinator and how to make a complaint, providing specific contact information; and
 - That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate grievance procedures or informal resolution procedures.
 - *Notifications to Students Experiencing Pregnancy or Related Conditions:* Any employee who is informed by a student about that student's pregnancy or related condition must:
 - Provide the contact information for the Title IX Coordinator; and
 - Inform the student that the Title IX Coordinator can coordinate specific actions such as reasonable modifications and other supports, to prevent sex

discrimination and ensure the student's equal access to Pace University's education programs or activities.

3. **Guardian: Pace University's Online Reporting form:** Pace University community members are encouraged, but not required, to use the University's online reporting system to make a report of sex-based misconduct. Once the report is filed, it will be routed to the Title IX Office. The reporting form can be found here: [Online Reporting System](#).
4. **Confidential Resources:**
A confidential resource does not reveal the information shared with them without the disclosing person's consent or as otherwise permitted/required by law. Those campus and community professionals include medical providers, mental health providers, counselors. The full list is available in Appendix C. All other University employees will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by this Policy/Procedure.
5. **Public Awareness Events:**
Employees are required to report to the Title IX Coordinator information about sex-based misconduct they learn about at public awareness events, including Take Back the Night (or similar). The Title IX Coordinator is not obligated to respond directly to any identified Complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone's health or safety. However, the Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination **other** than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, the University must use the information to inform its efforts to prevent sex-based misconduct, including by providing tailored training to address alleged sex-based misconduct in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

VIII. Policy for Alcohol and/or Drug Use Amnesty

The health and safety of every student at Pace University is of utmost importance. Pace University recognizes 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 University strongly encourages students to report domestic violence, dating violence, stalking, sexual assault and sex-based harassment to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual assault, or sex-based harassment to Pace University's officials or law enforcement will not be subject to Pace 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, sexual assault or sex-based harassment.

IX. Disability Accommodations

- This procedure does not alter any institutional obligations under applicable federal, state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.
- *Requests for Reasonable Accommodations During the Title IX Grievance Procedure:* If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with [Student Accessibility Services](#) to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

X. Pace University's Initial Response to Reports

1. **Initial Contact:** Following receipt of a report alleging a potential violation of this Policy, the Title IX Coordinator will attempt to contact the Complainant to inform them of their rights, their options, and the resources available to them, and will provide the following:
 - An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
 - Access to this policy;
 - Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
 - The availability of supportive measures regardless of whether a complaint is filed and/or any resolution is initiated;
 - The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
 - The right to notify law enforcement as well as the right not to notify law enforcement;
 - The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from campus safety or local law enforcement in preserving evidence;

- The right to an advisor of choice, if applicable, during University proceedings under this policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process is prohibited; and
- Information on how to initiate an Investigation or Informal Resolution Process.

2. Initial Intake & Evaluation: The evaluation process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the resolution procedures apply based on the conduct and the status of the parties. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual Complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

- Should the Complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate this determination to the Complainant.
- If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling, as appropriate.

3. Participation of Advisor of Choice: An advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. An advisor of choice may be any person, including an attorney. The institution does not appoint or pay for an advisor of choice. Advisors may attend all meetings and proceedings with their advisee; however, they cannot speak on behalf of their advisee or submit documents on behalf their advisee and must comply with the University's rules of decorum.

4. Emergency Removal: Pace University retains the authority to remove a Respondent from all or part of Pace University's education program or activity on an emergency basis, where Pace University:⁴

- undertakes an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex-based harassment justifies removal, and
- provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The Respondent must challenge the decision in

⁴An emergency removal is not a determination of responsibility.

writing within five (5) days of receiving notice of the emergency removal by contacting the Title IX Coordinator.⁵ The Title IX Coordinator will forward the Respondent's challenge to the appropriate employee designated to hear it.⁶

5. **Administrative Leave:** Pace University retains the authority to place an employee Respondent (including student employee) on administrative leave during the grievance procedure, consistent with relevant employee handbook/collective bargaining agreements etc.

XI. Procedural Options Available to Complainants

1. **Supportive Measures:** Supportive measures are individualized measures designed to restore or preserve a Complainant's ability to access Pace University's educational environment, or to provide support during the grievance procedures or informal resolution. Supportive measures may vary depending upon what is reasonably available at Pace University and cannot unreasonably burden a Complainant or Respondent.⁷ The Title IX Office is responsible for coordinating the implementation of supportive measures, including coordinating with the various University departments and offices that may be involved. Supportive measures will be offered free of charge and cannot be provided for punitive or disciplinary reasons. Pace University will not disclose information about any supportive measures to persons other than the person to whom they apply, unless necessary to provide the supportive measure, or there is an exception that applies, such as to carry out the purpose of the Policy when it is necessary to address conduct that reasonably may constitute sex discrimination at Pace University. As appropriate, supportive measures may include:
 1. Counseling services through the Pace Counseling Center
 2. Modifications of work or class schedules
 3. Extensions of deadlines or other course-related adjustments
 4. Changes in class, work, housing, or extracurricular or any other activity
 5. Campus escort services, as available
 6. Restrictions on contact applied to one or more parties (no contact orders)⁸
 7. Leaves of absence
 8. Pregnancy accommodations/modifications
 9. Increased security and monitoring of certain areas of the campus
 10. Training and education programs related to sex-based harassment

⁵ All references to "days" in this Policy/Procedure refer to calendar days, except as noted.

⁶ The individual who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination. Emergency removals will not be considered relevant evidence that can be considered in reaching a determination of whether sex discrimination occurred.

⁷ Supportive measures can be requested by complainants and respondents.

⁸ Students or employees who violate a no contact order are in violation of the Guiding Principles of Conduct's provision on "Compliance with University Administrators" and may be subject to disciplinary action under the Guiding Principles of Conduct and/or relevant collective bargaining agreement or employment agreement.

11. Assistance by Pace University's Office of Safety and Security police or security forces, if applicable, or other officials in obtaining an order of protection
Pace University may modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process or may continue them beyond that point within Pace University's discretion.⁹

2. Informal Resolution Process: Pace University offers a voluntary informal resolution process that allows for a less time consuming and more flexible approach to resolving a concern or complaint. The informal resolution process can be at any time prior to a determination, whether or not a formal investigation has started. The University reserves the right not to offer informal resolution in cases where the University determines that the informal resolution process is not appropriate, including based on the gravity of the allegations or if the alleged conduct presents a future risk of harm to others.¹⁰

i. Initiation of the informal resolution process

- The parties can request informal resolution at any point before a determination is made, even if an investigation has started. However, once a decision is reached, the informal process is no longer available.
- Both parties must voluntarily agree in writing to participate, and the process can be ended at any time by either party. No one can be forced to participate in informal resolution, and it does not affect enrollment, employment, or other rights.
- If the informal resolution process is initiated, any formal grievance process is paused during the informal resolution and resumes if the process is not completed.
- The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded.
- While the informal process is ongoing, supportive measures will continue or be provided as needed.
- The Title IX Coordinator must approve of the use of informal resolution and approve the final agreement between the parties.
- Because informal resolution does not involve an investigation, no determination is made as to whether a respondent violated this Policy.

⁹ A Complainant or Respondent may seek modification or reversal of Pace University's decision to provide, deny, modify or terminate a supportive measure within five (5) days of receiving notice of the supportive measure. Grounds for challenge of supportive measures include, but are not limited to: 1) Whether a supportive measure is reasonably burdensome; 2) Whether a supportive measure is reasonably available; 3) Whether a supportive measure is being imposed for punitive or disciplinary reasons; 4) Whether the supportive measure is being imposed without fee or charge; and 5) Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the Grievance Procedure.

¹⁰ The Title IX Office may terminate the informal resolution process within thirty (30) days following initiation of the informal process absent good cause provided by the Parties.

- The Title IX Coordinator will provide written notice to the parties about informal resolution before it begins.¹¹

ii. Role of the Facilitator:

- Informal resolution processes are managed by trained facilitators. Facilitators must not be the same person as the investigator or decision-maker(s) in Pace University's grievance procedures. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- The facilitator is responsible for:
 - Working with the parties to reach a mutually agreeable resolution, including by sharing lists of potential terms between the parties
 - Approving the informal resolution agreement in consultation with the Title IX Coordinator.

iii. Informal Resolution Options:

- Pace University offers the following informal resolution procedure for addressing concerns of sex-based misconduct described under this Grievance Procedures:

Facilitated Resolution

- The purpose of the facilitated resolution is for the Parties to identify points of agreement and appropriate remedies to address them.
- During facilitated resolution process, a facilitator will guide a discussion between the Parties. In circumstances where the Parties do not wish to meet face to face, either party can request "caucus", and the facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.
- If the facilitated resolution process results in a signed resolution, the disciplinary process will be concluded, and the matter will be closed.
- Although the informal resolution process is driven by the suggestions or ideas of the participants, examples of informal resolution agreements may include, but are not limited to, the following:
 - An agreement by the Respondent to change classes or housing assignments;
 - An agreement that the Parties will not communicate or otherwise engage with one another; and/or
 - Completion of training and/or community service.

¹¹ Before the initiation of an informal resolution process, the Title IX Coordinator must provide the Parties with a written notice that includes: 1) the allegations, 2) the requirements of the informal resolution process, 3) that an informal resolution agreement is binding on the parties.

- If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including proceeding forward with the grievance procedures.

iv. Breach of Informal Resolution Agreements

- If a Party breaches the resolution or if Pace University has other compelling reasons, such as if it learns of any fraud, coercion or intimidation by a Party in entering into the agreement, Pace University may void the agreement and initiate or resume the grievance procedures. Such conduct may also violate the University's Guiding Principles of Conduct.

v. Confidentiality of the Informal Resolution Process:

- Information learned as a direct result of the informal resolution process will not be shared with an investigator or decision-maker while the matter is ongoing.
- Any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

3. Initiating the University's Grievance Process¹²

The grievance process commences when the University receives a complaint (i.e., an oral or written request that can be objectively understood as a request for Pace University to investigate and make a determination about reported sex-based misconduct under this Policy).

i. Who can initiate a complaint under this Policy?

- "Complainant," which includes: a student or employee of Pace University who is alleged to have been subjected to conduct that could constitute sex discrimination, including sex-based harassment; or
- A person other than a student or employee of Pace University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Pace University's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- Pace University's Title IX Coordinator.¹³

¹² For sex-based harassment cases involving a student as a complainant or respondent, please refer to the grievance process in Appendix A. For sex-based harassment involving solely employees and sex discrimination cases *other* than sex-based harassment, please refer to the grievance process in Appendix B.

¹³ If a formal complaint is not filed or withdrawn, and informal resolution is not chosen, the Title IX Coordinator must decide whether to initiate a formal complaint. This decision is based on various factors, including the complainant's wishes, safety concerns, the severity of the alleged harassment, the potential for future incidents, the relationship between the parties, the evidence available, the possibility of resolving the matter without a formal process,

ii. Consolidation of Complaints

- Pace University may consolidate complaints of Prohibited conduct under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sex-based misconduct arise out of the same facts or circumstances.
- Pace University can consider factors when making this fact-specific determination, which include, but are not limited to: 1) The facts and circumstances of the particular complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; 2) Any risks to the fairness of the investigation or outcome; 3) whether the accused has a history of violent behavior; 4) whether the incident represents an escalation or reveals a pattern by the accused; and 5) the age and relationship of the parties.
- The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

XII. Requirements for all Sex-Based Misconduct Cases

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by Pace University as a Title IX Coordinator, investigator, or decision-maker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.¹⁴
- Establish reasonably prompt timeframes for the major stages (e.g. evaluation, investigation, determination, appeal) of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family

respondent's history of violence, whether the incident represents an escalation of behavior, and whether a weapon or force was used

¹⁴ The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee, a Decision-Maker or Appeal Officer based on a conflict of interest, bias or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker/Hearing Officer or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator prior to any recommendation or decision being issued by the person and in no event, later than two (2) days after the Respondent or Complainant, if any, learns the identity of the person or persons who will be serving in these roles.

members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;

- Ensure an objective evaluation of all evidence that is relevant and not otherwise impermissible under this Procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent or witness;
- Utilize a "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the **evidence**" means that the decision-maker must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged;
- Clarify that the Respondent is deemed not responsible for the reported sex-based misconduct until a determination is made and the appeal process has been exhausted;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how Pace University will determine which policies and procedures apply if not all such complaints are handled under this institutional Grievance Procedure.

XIII. University duty to report crime statistics

The University has a duty to report data about various forms of Sex-Based Misconduct in accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act (Clery Act) and Article 129B "Enough is Enough" Annual Aggregate Data Reports. No personally identifiable information is disclosed, but statistical information is disclosed as part of its daily crime log and as part of the University's Annual Security Report. The information to be shared includes the date, location type (residence hall, public property, off-campus, etc.) and specific crime category. The University may also be required to issue a timely warning to the University community when it receives a report of certain crimes that pose a serious or continuing threat. Such a warning will not include any personally identifying information about the victim. Because the University is under a continuing obligation to address the issue of sex-based misconduct campus-wide, reports of sex-based misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action—such as increased monitoring, supervision or security at locations where the reported sex-based misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

XIV. Delegation of Authority

Any University administrator or official empowered by this Policy, may delegate their authority to any other appropriate University official. In any given case, the University reserves the right to appoint an external party to serve as the Investigator, decision-maker, hearing officer, or appeal officer. Delegation of authority may be necessary to avoid conflicts of interest or where

time constraints or other obligations prevent a University official named in this Policy from fulfilling their designated role.

XV. Policy Administration

The Title IX Coordinator is responsible for ensuring the University's compliance with Title IX of the Education Amendments of 1972 and for administering this Policy and Procedure. The Title IX Coordinator is Bernard Dufresne, who can be reached at (212) 346-1310 or at bdufresne@pace.edu. The Title IX Coordinator is available to answer any questions that members of the University community may have about this Policy and Procedure and to assist them in gaining access to available resources.

Anyone with a complaint that the University failed to comply with Title IX may make a complaint to:

US Department of Education,
[Office for Civil Rights](#)

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

APPENDIX A

Grievance Procedure for Sex-Based Harassment Complaints Involving Students

Pace University will provide for adequate, reliable, and impartial investigation of complaints. The burden is on Pace University – not on the Parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Pace University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Pace University will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations and not otherwise impermissible.

1. Jurisdiction of Procedure

This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct involves a student as either a Complainant or Respondent;
- The conduct alleged occurred in the United States, except for cases of sexual assault, domestic violence, dating violence and stalking, in which case, if such occurred during study abroad, will be subject to the jurisdiction of this Grievance Procedure;
- The conduct alleged occurred in Pace University's education program or activity;¹⁵ and
- The conduct alleged, if true, would constitute sex-based harassment as defined above.

Conduct that occurs under Pace University's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by Pace University, and conduct that is subject to Pace University's disciplinary authority under the [Guiding Principles of Conduct](#).

If all elements of jurisdiction are met, Pace University will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or there are grounds for dismissal of the complaint.

¹⁵ Pace University has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside of Pace University's education program or activity, or outside of the United States. Pace University's Title IX Office will work with all complainants to assess such complaints that may fall under these criteria, and direct to appropriate University policies and procedures that may apply if this grievance procedure does not. Pace University will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this grievance procedure as outlined in the dismissals section below.

2. Right Not to Participate

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/or decision-maker can only draw conclusions from the information available. So, the failure of one party to present their version of events will likely have a substantial impact on the outcome of the investigation.

3. Dismissal of a Complaint

Pace University may dismiss a complaint of sex-based harassment for any of the following reasons:

- Pace University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Pace University's education program or activity and is not employed by Pace University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint of these procedures, and Pace University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex-based harassment under this Policy/Procedure even if proven; or
- Pace University determines that the conduct alleged in the complaint, even if proven, would not constitute sex-based harassment under this Policy/Procedure.¹⁶

4. Notice of Dismissal

If Pace University dismisses a complaint, Pace University is required to promptly notify the Complainant of the basis for dismissal. If the dismissal of the complaint occurs before a notice of allegations is issued to the Respondent, the Title IX Coordinator does not need to notify the Respondent at that time. However, if the dismissal occurs after the Respondent has been notified of the allegations, then Pace University will also notify the Respondent that the dismissal may be appealed. If the Complainant appeals the dismissal, the Respondent will need to be notified of the complaint allegations and given an opportunity to respond.

5. Dismissal Appeals

- Dismissals may be appealed on the following grounds:
 - Procedural irregularity that affected the outcome of the dismissal (i.e., a failure to follow Pace University's own policy to a degree that had material effect on the decision to dismiss the matter);

¹⁶ Pace University will make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

- New evidence that would change the decision to dismiss and that was not reasonably available when the dismissal of the complaint was made; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent in the matter.
- The dismissal appeal must be submitted to the Title IX Coordinator within five (5) days of issuance of the dismissal. Appeals may not exceed 2500 words and should be submitted in electronic form.
- If an appeal is filed, it will be sent to the other party who will have five (5) days to submit a written response.
- Thereafter, the Title IX Coordinator will submit the documents to the appeal officer who will render a decision within ten (10) days.

6. Notice of Allegations

Upon initiating Pace University's grievance procedures, the Title IX Coordinator will provide a notice of allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after Pace University receives and evaluates a complaint. If there are no extenuating circumstances, Pace University will provide the notice of allegations within twenty-five (25) days after receiving a complaint. The written notice of allegations will include:¹⁷

- Pace University's grievance procedure and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s), time(s), and location(s) of the alleged incident(s);
- A statement that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of Pace University's Grievance Procedure. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker;
- A list of possible sanctions;
- That retaliation is prohibited;
- That Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- The process for raising a challenge to the appointed investigator, decision-maker, or Title IX Coordinator, and the deadline for doing so.
- That Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney; and

¹⁷ If, in the course of an investigation, Pace University decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, Pace University is required to provide written notice of any additional allegations to the Parties whose identities are known.

- That Pace University's Guiding Principles of Conduct prohibit knowingly providing false information or engaging in misrepresentation, during Pace University's Grievance Procedures.

7. Investigation Process

The Investigator will have sole discretion to determine which witnesses to interview. Neither the Complainant nor the Respondent will have the right to question any witnesses or to be present during such questioning during the investigation stage. The investigator may decline to interview any witness or to gather information the investigator determines is not relevant or is impermissible. The Investigator will determine the order and method of investigation.

- Pace University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.
- Unauthorized disclosure of information and evidence obtained solely through the grievance procedure is strictly prohibited and may constitute Retaliation under the Policy.
- Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
- Nothing in this policy prohibits parties from discussing or disclosing the outcome of the matter, consistent with the prohibition on retaliation.
- Following interviews and evidence collection, the Investigator will provide each party and their advisors of choice (if any) with 10 days to review and respond to the evidence prior to the hearing.
- Based on the responses, the Investigator/Decision-Maker may determine that additional investigation is necessary and, if so, will complete any additional investigative steps and will re-share new evidence with the parties.
- Thereafter, the Investigator will create an investigation report, which fairly summarizes the evidence and will share it with the decision-makers prior to the hearing.

8. Evidence

The Investigator will review all evidence gathered through the investigation, including relevant "expert" evidence and character evidence and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence and expert evidence that is not relevant will not be considered.

9. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Pace University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Pace University obtains that Party's or witness's voluntary, written consent for use in its grievance procedure; and
- Evidence that relates to the Complainant or Respondent's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex discrimination or preclude determination that sex discrimination occurred.

10. Adjudication Process (Live Disciplinary Hearing)

i. General Rules

- Pace University will not issue a finding or disciplinary sanction arising from an allegation of sex-based harassment involving a student without holding a live hearing unless otherwise resolved through an informal resolution process as outlined in this Policy.
- The live hearing may be conducted with the parties physically present in the same geographic location. Pace University has the discretion to conduct the live hearing with the parties physically present in separate locations, with technology enabling the decision-maker and parties to simultaneously see and hear the Party or the witness while that person is speaking. A Party may also request this option prior to the hearing.
- The chairperson of each decision-maker panel will preside over all hearings and make all procedural rulings for the panel.
- Pace University may determine that multiple sessions or a continuance (a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Pace University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.
- Absent extenuating circumstances, live hearings will begin no later than thirty (30) days following the conclusion of the investigation and must be completed within thirty (30) days of the first day of the hearing.
- Pace University will create an audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review for purposes of an appeal.

ii. Participants in the Live Hearing¹⁸

¹⁸ If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and Pace University may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. Pace University will not threaten, coerce, intimidate or discriminate against any Party in an attempt to secure the Party's participation. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- **Decision-Makers.** The hearing body will consist of a panel of decision-makers, including a hearing chair. No member of the decision panel will have served as the Title IX Coordinator, Title IX investigator, or advisor to any Party in the case, nor may any member of the decision panel serve on the appeals body in the case. No member of the decision panel will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The decision-makers will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.
- **Advisors:** The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing. Advisors of choice are subject to Pace University's rules of decorum, and may be removed upon violation of those rules.
- **Witnesses:** Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation. Witnesses are subject to Pace University's rules of decorum and may be removed upon violation of those rules.
 - Parties are allowed to call "expert witnesses" for direct examination and credibility assessment by the decision-makers.¹⁹ While the expert witness will be allowed to testify, the decision-makers will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses regardless of whether all Parties present experts as witnesses. The investigator will determine whether to admit the expert testimony or materials.
 - Pace University allows Parties to recommend character witnesses to the Investigator for purposes of interviewing them. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered. If a character witness testifies, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

iii. Decision-Maker's Evaluation of Questions and Limitation on Questions

- Prior to the hearing, each Party or Party's advisor is encouraged to submit questions to the chairperson who will determine if the questions are relevant and permissible prior to the hearing. If they are relevant and permissible, the decision-maker(s) will ask them at

¹⁹ A party or witness who wishes to submit expert testimony or materials must state the specialized knowledge the expert has, including how the testimony will assist the decision-makers and how the information is relevant.

the hearing unless such question is unclear or harassing of the party or witness being questioned. The hearing officer will explain any decision to exclude a question as not relevant or otherwise impermissible.

- At the hearing, all questioning will be through the decision-makers.
- **No questioning of another party or witness will be conducted by a party personally or their advisor.**

iv. Hearing Procedures

- For all live hearings conducted, the chairperson will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening and closing statements.
- Questioning of the Parties and witnesses by the decision-makers will occur according to the order below:
 - a. Questioning of Investigator
 - b. Questioning of Complainant
 - c. Questioning of Respondent
 - d. Questioning of Witnesses

v. Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

- The decision-makers may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible.
- The panel of decision-makers must not draw an inference about whether sex-based harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

vi. Newly discovered Evidence

- As a general rule, no new evidence or witnesses may be submitted during the live hearing. However, if a Party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the Party may request that such evidence or witnesses be considered at the live hearing.
- The panel of decision-makers will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.
- If the panel of decision-makers answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

11. Acceptance of Responsibility

- If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the decision-maker or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

12. Determination Regarding Responsibility and Sanctioning

i. General Considerations for Evaluating Evidence and Testimony

- The decision-makers are required to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-makers are not persuaded under the applicable standard by the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the decision-makers must not determine that sex-based harassment occurred.
- Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decision-makers. Decision-makers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments on stereotypes about how a Party or witness would or should act under the circumstances.
- Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.
- Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- A witness' testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

ii. Role of Faculty Review Committee

If the Respondent is a faculty member, then the decision-makers, at least five (5) days prior to issuing a decision to the Parties, shall submit the written determination to the Faculty Review Committee. The Faculty Review Committee will consist of three faculty members selected from and by the appropriate Location Faculty Council Grievance Committee. The Faculty Review Committee shall have five (5) days to submit their written comments/recommendation, if any, regarding the written determination to the decision-makers.

iii. Communication of the Determination in Writing

- If the Respondent is found responsible, the Complainant and Respondent will first be notified that the Respondent has been found responsible and both parties will be given

five (5) days to submit a written impact statement to the decision-makers for purposes of the determination of appropriate sanctions.

- If there are no extenuating circumstances, the determination regarding responsibility and sanctions will be issued by Pace University within ten (10) days following the opportunity for the parties to submit impact statements (if the Respondent is found responsible) or ten (10) days following the completion of the hearing if the Respondent is found not responsible.
- Per New York state law, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction. However, it is not admissible prior to determination of responsibility.
- All determinations on whether sex-based harassment occurred will be communicated to the Parties in writing, simultaneously. The written determination will include:
 - a. A description of the alleged sex-based harassment;
 - b. Information about the policies and procedures that Pace University used to evaluate the allegations;
 - c. The decision-maker's evaluation of the relevant evidence and determination on whether sex-based harassment occurred;
 - d. Any disciplinary sanctions Pace University will impose on the Respondent, whether Remedies other than the imposition of disciplinary sanctions will be provided by Pace University to the Complainant, and, to the extent appropriate, other students identified by Pace University to be experiencing the effects of sex-based harassment, if there is a finding that sex-based harassment occurred; and
 - e. Pace University's procedures for Complainant and Respondent to appeal.

iv. Determination of Disciplinary Sanctions After a Finding of Responsibility

The University may impose any of the following sanctions:

- Warning
- Probation
- Restriction(s) to address impact of incident (e.g., to avoid contact with individual or to avoid certain location(s), to provide that other party may have priority in selecting courses or housing, etc.)
- Community service
- Restriction of access to University facilities
- Loss of privileges and access to University activities (including participation in athletics and other student organizations)
- Removal from student housing
- Suspension from school (for one or more semesters)
- Expulsion
- Revocation of honors or awards
- Revocation of degree
- Revocation of admission

- Suspension from University employment
- Termination of University employment²⁰

13. Appeals

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal to the Title IX Coordinator within five (5) days of being notified of the decision, indicating the grounds for appeal.²¹ If an appeal is filed, it will be sent to the other party who will have five (5) days to submit a written response. Thereafter, the appeal panel will render a decision within ten (10) days and notify both Parties in writing. The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is pending.

The only grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred;
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome;
- The finding of responsibility or no responsibility was not consistent with the preponderance of the evidence standard; and/or
- The sanction is disproportionate to the violation.

i. Disclosures of Outcomes

- Student parties have the right to choose whether to disclose or discuss the outcome of a conduct or judicial process related to sex-based misconduct under this Policy.
- Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. Students should be aware, however, that information collected during the investigation process may be subpoenaed in civil or criminal proceedings. Additional information about the University's FERPA policies can be found at: [University's FERPA Policies](#). The University will follow applicable laws and regulations regarding employee matters.

14. Transcript Notations

²⁰ If this Policy's process results in a sanction of suspension or termination of University employment of a tenured faculty member, the termination decision is subject to further process and review in accordance with the Faculty Handbook's Academic Dismissal Procedure.

²¹ Appeals must not be more than 2,500 words and should be submitted in electronic form.

For student respondents found responsible for crimes of violence, including, sexual violence, defined as crimes that meet the reporting requirements pursuant to the Clery Act, Pace University and the sanction is suspension or expulsion, the University is required to make the following notation on the transcript of that student:

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

Transcript notations for suspensions may be removed at the discretion of the University, but no earlier than one (1) year after the conclusion of the suspension. Information about contacting the Registrar's Office is available at this link: [Contact the Registrar Office](#). Transcript notations for expulsion will not be removed.

APPENDIX B

Grievance Procedure for Sex-Based Harassment Complaints Involving Employees + Other Sex Discrimination Complaints

Pace University will provide for adequate, reliable, and impartial investigation of complaints. The burden is on Pace University – not on the Parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Pace University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Pace University will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations and not otherwise impermissible.

1. Jurisdiction of Procedure

This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct involves sex-based harassment that is employee to employee, or the conduct involves sex discrimination other than sex-based harassment (regardless of the identity of the Parties), or the conduct alleged constitutes retaliation;
- The conduct alleged occurred in the United States, except for cases of sexual assault, domestic violence, dating violence and stalking, in which case, if such occurred during study abroad, will be subject to the jurisdiction of this Grievance Procedure;
- The conduct alleged occurred in Pace University's education program or activity;²² and
- The conduct alleged, if true, would constitute sex-based harassment as defined in the Policy.

2. Right Not to Participate

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

²² Pace University has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside of Pace University's education program or activity, or outside of the United States. Pace University's Title IX Office will work with all complainants to assess such complaints that may fall under these criteria, and direct to appropriate University policies and procedures that may apply if this grievance procedure does not. Pace University will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the dismissals section below.

either party for failing to participate in the investigation process, but the Investigator and/or decision-maker can only draw conclusions from the information available. So, the failure of one party to present their version of events will likely have a substantial impact on the outcome of the investigation.

3. Dismissal of a Complaint

Pace University may dismiss a complaint of sex-discrimination, including sex-based harassment, or retaliation, for any of the following reasons:

- Pace University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Pace University's education program or activity and is not employed by Pace University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint of these procedures, and Pace University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, or retaliation under this Policy/Procedure even if proven; or
- Pace University determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, or retaliation under this Policy/Procedure.²³

4. Notice of Dismissal

If Pace University dismisses a complaint, Pace University is required to promptly notify the Complainant of the basis for dismissal. If the dismissal of the complaint occurs before a notice of allegations is issued to the Respondent, the Title IX Coordinator does not need to notify the Respondent at that time. However, if the dismissal occurs after the Respondent has been notified of the allegations, then Pace University will also notify the Respondent that the dismissal may be appealed. If the Complainant appeals the dismissal, the Respondent will need to be notified of the complaint allegations and given an opportunity to respond.

5. Dismissal Appeals

- Dismissals may be appealed on the following grounds:
 - Procedural irregularity that affected the outcome of the dismissal (i.e., a failure to follow Pace University's own policy to a degree that had material effect on the decision to dismiss the matter);
 - New evidence that would change the decision to dismiss and that was not reasonably available when the dismissal of the complaint was made; and

²³ Pace University will make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent in the matter.
- The dismissal appeal must be submitted to the Title IX Coordinator within five (5) days of issuance of the dismissal. Appeals may not exceed 2,500 words and should be submitted in electronic form.
- If an appeal is filed, it will be sent to the other party who will have five (5) days to submit a written response.
- Thereafter, the Title IX Coordinator will submit the documents to the appeal officer who will render a decision within ten (10) days.

6. Notice of Allegations for Complaints of Sex Discrimination/Retaliation

Upon initiating Pace University's grievance procedures, the Title IX Coordinator shall provide a notice of allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after Pace University receives and evaluates a complaint. If there are no extenuating circumstances, Pace University will provide the Notice of Allegations within twenty-five (25) days after receiving a complaint. The written Notice of Allegations will include:²⁴

- Pace University's grievance procedure and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- A statement that the Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of Pace University's grievance procedure;
- That retaliation is prohibited;
- That Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- That Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney; and
- That Pace University's Guiding Principles of Conduct prohibit knowingly providing false information or engaging in misrepresentation, during Pace University's grievance procedures.

7. Investigation Process + Evidence Review

²⁴ If, in the course of an investigation, Pace University decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, Pace University is required to provide written notice of any additional allegations to the Parties whose identities are known.

Pace University will not issue a finding or disciplinary sanction arising from an allegation of sex discrimination, including sex-based harassment, without following these procedures, unless the matter is otherwise resolved through an informal resolution process as outlined in this Policy. The Investigator/Decision-Maker will have sole discretion to determine which witnesses to interview. Neither the Complainant nor the Respondent will have the right to question any witnesses or to be present during such questioning during the investigation stage. The Investigator/Decision-Maker may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise impermissible. The Investigator/Decision-Maker will determine the order and method of investigation.

- All Parties are encouraged to present their version of the event(s) to the Investigator/Decision-Maker as well as the names of witnesses and any other evidence.
- The Investigator/Decision-Maker will question Parties and witnesses to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination or retaliation. This will occur during individual meetings with a Party or witness.
- The Investigator/Decision-Maker will provide each party and their advisors of choice (if any) with 10 days to review and respond to the relevant and not otherwise impermissible evidence.
- Based on the responses, the Investigator/Decision-Maker will determine if additional investigation is necessary and, if so, will complete any additional investigative steps and will re-share new evidence with the parties.
- Thereafter, the Investigator will create an investigation report, which fairly summarizes the evidence and determines, by a preponderance of the evidence, whether sex discrimination or retaliation occurred.
- Pace University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.
- Unauthorized disclosure of information and evidence obtained solely through the grievance procedure is strictly prohibited and may constitute retaliation under the Policy.
- Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

8. Evidence

- The Investigator/Decision-Maker will review all evidence gathered through the investigation, including "expert" evidence and character evidence and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence and expert evidence that is not relevant will not be considered.
- As a general rule, no new evidence or witnesses may be submitted following the Parties' review and response to the evidence. However, if a Party identifies new evidence or witnesses that were not reasonably available prior to that point, and could affect the outcome of the matter, the Party may request that such evidence or witnesses be considered by the Investigator/Decision-Maker. The Investigator/Decision-Maker will

consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

9. Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Pace University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Pace University obtains that Party's or witness's voluntary, written consent for use in its grievance procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex discrimination or preclude determination that sex discrimination occurred.

10. Acceptance of Responsibility

- If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the decision-maker or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

11. Determination Regarding Responsibility and Sanctioning

i. General Considerations for Evaluating Evidence and Testimony

- The Investigator/Decision-Maker is required to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Investigator/Decision-Maker is not persuaded under the applicable standard by the evidence that sex discrimination and/or sex-based harassment, or retaliation occurred, whatever the quantity of the evidence is, the Investigator/Decision-Maker must not determine that sex-based misconduct or retaliation occurred.
- Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment

of the decision-makers. Decision-makers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments on stereotypes about how a Party or witness would or should act under the circumstances.

- The Investigator/Decision-Maker will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.
- A witness' statement regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

ii. Role of Faculty Review Committee

- If the case involves sex-based harassment and the Respondent is a faculty member, then the Investigator/Decision-Maker, at least five (5) days prior to issuing a decision to the Parties, will submit the written determination to the Faculty Review Committee. The Faculty Review Committee will consist of three faculty members selected from and by the appropriate Location Faculty Council Grievance Committee. The Faculty Review Committee shall have five (5) days to submit their written comments/recommendation, if any, regarding the written determination to the Investigator/Decision-Maker.

iii. Communication of the Determination in Writing

- If the Respondent is found responsible, the Complainant and Respondent will first be notified that the Respondent has been found responsible and both parties will be given five (5) days to submit a written impact statement to the Investigator/Decision-Maker for purposes of the determination of appropriate sanctions.²⁵
- If there are no extenuating circumstances, the determination regarding responsibility and sanctions will be issued by Pace University within ten (10) days following the opportunity for the parties to submit impact statements (if the Respondent is found responsible) or ten (10) days following the completion of the investigation if the Respondent is found not responsible.
- All determinations on whether sex-based misconduct or retaliation occurred will be communicated to the Parties in writing, simultaneously. The written determination will include:
 - a. A description of the alleged sex-based misconduct or retaliation;

²⁵ The Investigator/Decision-Maker will consult with the relevant departments in determining sanctions, including Student Affairs, Human Resources, and the Provost's Office.

- b. Information about the policies and procedures that Pace University used to evaluate the allegations;
- c. The decision-maker's evaluation of the relevant evidence and determination on whether sex-based harassment or retaliation occurred;
- d. Any disciplinary sanctions Pace University will impose on the Respondent, whether Remedies other than the imposition of disciplinary sanctions will be provided by Pace University to the Complainant, and, to the extent appropriate, others identified by Pace University to be experiencing the effects of sex-based misconduct or retaliation, if there is a finding that sex-based misconduct occurred or retaliation occurred; and
- e. Pace University's procedures for Complainant and Respondent to appeal.

iv. Determination of Disciplinary Sanctions After a Finding of Responsibility

The University may impose any of the following sanctions:

- Warning
- Probation
- Restriction(s) to address impact of incident (e.g., to avoid contact with individual or to avoid certain location(s), to provide that other party may have priority in selecting courses or housing, etc.)
- Community service
- Restriction of access to University facilities
- Loss of privileges and access to University activities (including participation in athletics and other student organizations)
- Removal from student housing
- Suspension from school (for one or more semesters)
- Expulsion
- Revocation of honors or awards
- Revocation of degree
- Revocation of admission
- Suspension from University employment
- Termination of University employment²⁶

11. Appeals

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal to the Title IX Coordinator within 5 days of being notified of the decision, indicating the grounds for appeal.²⁷ If an appeal is filed, it will be sent to the other party who will have five (5) days to submit a written response. Thereafter, the appeal panel will render a

²⁶ If this Policy's process results in a sanction of suspension or termination of University employment of a tenured faculty member, the termination decision is subject to further process and review in accordance with the Faculty Handbook's Academic Dismissal Procedure.

²⁷ Appeals must not be more than 2,500 words and should be submitted in electronic form.

decision within ten (10) days and notify both Parties in writing. The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is pending.

The only grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based misconduct or retaliation occurred; and
- The Title IX Coordinator, Investigator/Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome;
- The finding of responsibility or no responsibility was not consistent with the preponderance of the evidence standard; and/or
- The sanction is disproportionate to the violation.

APPENDIX C

(Confidential Resources)

Confidential Resources

On Campus

NYC Campus	Pleasantville/Law School Campus
Counseling Center 161 William Street, 7 th Floor Phone: (212) 346-1526 24/7 On-call staff	Counseling Center Administrative Center Phone: (914) 773-3710 24/7 On-call staff
University Health Care 1 Pace Plaza, 6 th Floor Phone: (212) 346-1600	University Health Care Paton House, Ground Level Phone: (914) 773-3760
The Office of Sexual and Interpersonal Wellness Ashleigh Anderson, LCSW (she/her) Interpersonal Violence Prevention and Educational Specialist Phone: (212) 346-1931 Email: aandersen2@pace.edu	The Office of Sexual and Interpersonal Wellness Dr. Asha M. Kadir (she/her) Interpersonal Violence Prevention and Educational Specialist Phone: (914) 773-8783 Email: akadir@pace.edu

Off Campus

New York State Coalition Against Sexual Assault* Phone: 1 (800) 942-6906
RAINN-Rape Abuse and Incest National Network Phone: 1 (800) 656-HOPE (4673)
New York State Office Of Victim Services
Beth Israel Medical Center Rape Crisis Intervention Program 317 East 17 th Street, 4 th Floor Phone: (212) 420-4516
Pace Women's Justice Center 78 North Broadway, Pace Law School Helpline: Phone: (914) 287-0739
Victim's Assistance Services of Westchester (WestCOP): provides free, comprehensive, and compassionate services to crime victims and their families, friends, and loved ones. Call the 24/7 helpline at (914) 345-3113.
My Sisters' Place, Domestic Violence Shelter: resources that include residential shelters, legal advocacy, counseling services. Phone: (800) 298-7233.
Westchester Medical Center, WMC Health

<p>SAAVE Program (Sexual Assault, Abuse and Victims Empowerment) 100 Woods Road, Valhalla, NY 10595 Phone: (914) 4938671 24hour Hotline: (833) 220 2444</p>
<p>Brooklyn CAMBA Victim Assistance Program Phone: (800) 310-2449 NY Presbyterian Hospital Brooklyn Methodist, DOVE Program, Phone: (347) 407-4480 Wyckoff Heights Medical Center Violence Intervention and Treatment Program Phone: (718) 290-1431</p>
<p>Bronx Bronx DA's Office, Crime Victims Assistance Unit: (718) 590-2114 Kingsbridge Heights Community Center: (718) 884-0700 Violence Intervention Program: (800) 664-5880</p>
<p>Manhattan Anti-Violence Project, resources for the LGBTQIA+ community Phone: (212) 714-1141 Columbia Health Sexual Violence Response and Rape Crisis/Anti-Violence Support Center, Phone: (212) 854-4357 Mount Sinai Beth Israel Hospital Phone: (212) 420-2000 NY Presbyterian Weill Cornell Medical Center, Victim Intervention Program Phone: (212) 746-9414</p>
<p>QUEENS Mount Sinai SAVI Program Phone: (212) 577-7777 NYC Health + Hospitals/Queens Victim Services Program Phone: (718) 883-4205</p>

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. To gain assistance in getting to an emergency room, a victim can call 911 or notify Pace University Safety and Security: New York City, 161 William Street, 1st floor, (212) 346-1800; Pleasantville, Alumni Hall (914) 773- 3400; or Haub Law, Preston Hall (914) 422-4300. More information about emergency response is located at [Security and Emergency Management](#).

Medical staff are Confidential Resources, which means that communications with medical staff are not disclosed. Medical staff will not report the incident to the University. Seeking medical attention will in no way require a victim to file a complaint or press criminal charges.

Medical Facilities

New York City	Westchester
Mount Sinai Beth Israel: (Closest to Pace's NYC Campus) 281 First Avenue, New York, NY 10003	Westchester Medical Center, WMC Health SAAVE Program (Sexual Assault, Abuse and Victims Empowerment) 100 Woods Road, Valhalla, NY 10595 (914) 493-8671 24-hour Hotline: (833) 220-2444
Mount Sinai Hospital 1 Gustave L. Levy Place, New York, NY 10029	Montefiore Mount Vernon Hospital 12 N 7th Ave, Mt Vernon, NY 10550 (914) 664-8000
NYC Health + Hospitals/Metropolitan 1901 First Avenue, New York, NY 10029	New York-Presbyterian Westchester 55 Palmer Avenue, Bronxville, NY 10708 (212) 746-9414
NYC Health + Hospitals/Kings County 451 Clarkson Avenue, Brooklyn, NY 11203	Planned Parenthood Hudson Peconic, Inc White Plains Center 175 Tarrytown Road, White Plains, NY 10607 (914) 761-6566

Definitions

1. ***Accused*** means a person accused of a violation who has not yet entered an institution's judicial or conduct process.
2. ***Admission*** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by Pace University.
3. ***Bystander*** means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of an institution.
4. ***Code of conduct*** means the written policies adopted by Pace University governing student behavior, rights, and responsibilities while such student is matriculated at Pace University.
5. ***Coercion/Force***. Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.
6. ***Consent*** means 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 identity, or gender expression.
 - Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated.
 - Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- When consent is withdrawn or can no longer be given, sexual activity must stop. "Consent" and "affirmative consent" may be used interchangeably under this Grievance Procedure.

7. ***Complainant*** means:

- a student or employee who is alleged to have been subjected to conduct that could constitute sex-based misconduct, including sex discrimination and sex-based harassment as defined in these procedures and who was participating or attempting to participate in Pace University's education program or activity; or
- a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, including sex-based harassment under this grievance procedure and education program or activity at the time of the alleged sex-based harassment.

8. ***Complaint*** means an oral or written request to Pace University that objectively can be understood as a request for Pace University to investigate and make a determination about alleged sex discrimination.

9. ***Confidential Employee*** means an employee of Pace University whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies. Pace University's Confidential Resources are listed in Appendix C below.

10. ***Disciplinary Sanctions*** means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated Pace University's prohibition on sex discrimination.

11. ***Education program or activity*** means any academic, extracurricular, research, occupational training or other education program or activity operated by Pace University that receives Federal financial assistance.

12. ***Incapacitation***. Incapacitation occurs when an individual lacks the ability to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Under this policy, Pace University will consider whether a Respondent knew or should have known the Complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment.

13. **Party** means a Complainant or Respondent.
14. **Peer Retaliation** means retaliation by a student against another student.
15. **Pregnancy or related conditions mean:**
 - i. Pregnancy, childbirth, termination of pregnancy, or lactation;
 - ii. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - iii. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
16. **Relevant** means related to the allegations of sex discrimination under investigation as part of this grievance procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.
17. **Remedies** means measures provided, as appropriate, to a Complainant or any other person Pace University identifies as having had their equal access to Pace University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Pace University's education program or activity after Pace University determines that sex discrimination occurred.
18. **Respondent** means a person who is alleged to have violated Pace University's prohibition on sex-based misconduct.
19. **Retaliation** means intimidation, threats, coercion, or discrimination by any person by Pace University, a student, or an employee or other person authorized by Pace University to provide aid, benefit, or service under Pace University's education program or activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure, including an informal resolution process.
20. **Student** means a person who has gained admission.
21. **Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:
 - restore or preserve that Party's access to Pace University's Education program or activity, including measures that are designed to protect the safety of the Parties or Pace University's educational environment; or

- provide support during Pace University's grievance procedures for sex-based harassment or informal resolution process.

Student's Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from Retaliation by the institution, any Student, the Accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual or Complainant, Accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.