PACE
UNIVERSITY

SEX-BASED MISCONDUCT POLICY

E□ective: August 1, 2024
Revised: August 2024

I. P c S a e e

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

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. N ce ‘N -D c a

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 veterany or vetet/t/ a13 (t/ ae)-s/ a13 ((gi)43gweg4 -0 0

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. N -D c a A ca

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. P c a d P ced e S a

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:

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.

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.

VI. Se -Ba ed M c d c De

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**:

- 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 su□ering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

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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]

- 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.

Initiating the University's Grievance Process[12]

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.

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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.
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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.

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

XV. P c Ad a

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

G e a ce P ced e ´ Se -Ba ed Ha a e C a l / S de

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.

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 harassment4 (n)-5 (pe)7 (t)20 fn Pd h ht Pd h

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 e□o□s 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 R

- 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.

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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 prepa-5 (g.)2 (1.2 Tdof th)-5 (e)-3 (e)-3 (v)10 (i)4 (de)-3 (n6.TbI2.16 (e)-3 (c)-3 4 (ak)12 (e)-3 (r)6R 1--3

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- Suspension from University employment
- Termination of University employment[20]

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

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:

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

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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 whe for adeevievanc(i)y wo thee

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 e□o□s to clarify the allegations with the Complainant before dismissing under this basis.

- The Title IX Coordinator, investigator(s), or decision-

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-Makeral4 (g)-3 (s)-7 (mi)-9.9 nrio(e)-TJ0 -8037 thwgs

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 offere5(pl)4 (ai)4 (at)20pftment to th

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

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NYC Campus	Pleasantville/Law School Campus
Counseling Center 161 William Street, 7th 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, 6th Floor Phone: (212) 346-1600	**University Health Care**

SAAVE Program (Sexual Assault, Abuse and Victims Empowerment)
100 Woods Road, Valhalla, NY 10595
Phone: (914) 4938671
24hour Hotline: (833) 220 2444

Brooklyn

Medical Assistance 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

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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

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 a-5 ((k)2 (e)-3b87

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

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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.