



Contents

I. Policy Statement .....	3
II. Notice of Non-Discrimination .....	4
III. Non-	



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-

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.

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](#).

**-D**

**A**

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](#).

**s R s**

This Policy prohibits all forms of sex and gender related misconduct, referred to here as "sex-

**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**

# R - S D

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:

!" **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.

#" **Hostile environment sex-based harassment:**<sup>1</sup> 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.<sup>2</sup> 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.

\$" **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

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<sup>1</sup> 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.

victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.<sup>3</sup>

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

% " **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:

- o the length of the relationship;
- o the type of relationship; and
- o the frequency of interaction between the persons involved in the relationship.

&" **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



prostituting or soliciting another community member.

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







under takes 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

6. Restrictions on contact applied to one or more parties (no contact orders)<sup>9</sup>
  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
  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.<sup>10</sup>

**\$# 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

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.

The Title IX Coordinator will provide written notice to the parties about informal

- An agreement by the Respondent to change classes or housing assignments;
- An agreement that the Pa



Pace University's Title IX Coordinator.<sup>14</sup>

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 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.

## ▲ S ▲

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

to appoint an external pa

# APPENDIX A

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## **2. Right Not to Participate**

All members of the University community are encouraged to participate in the investigation

- 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

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 "experience" evidence and character evidence and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence and experience evidence that is not relevant will not be considered.

## 9.



A Pañy'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 Pañy or witness, unless Pace University obtains that Pañy'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 Pañy or the witness while that person is speaking. A Pañy 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)

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

**Decision-Makers:** The hearing body, selected by the University, 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.<sup>20</sup>

**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 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.

- o Parties are allowed to call "expert witnesses" for direct examination and credibility assessment by the decision-makers.<sup>21</sup> 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.
- o 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*

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<sup>21</sup> A party or witness who wishes to submit expert

Prior to the hearing, each Pañy or Pañy'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 the hearing unless such question is unclear or harassing of the pañy 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 pañy or witness will be conducted by a pañy 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 Pañies will each be given an opportunity to provide opening and closing statements.

Questioning of the Pañies 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 Pañy

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.

Commi ¶ ee shall have five (5) days to submit their wri ¶ en comments/recommendation, if any, regarding the wri ¶ en determination to the decision-makers.

*!!!" 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 pa ¶ ies will be given five (5) days to submit a wri ¶ en 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 oppo ¶ unity for the pa ¶ ies 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 sex-based misconduct, including 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 Pa ¶ ies in writing, simultaneously. The wri ¶ en 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 e ¶ ects 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.

*!#" Determination of Disciplinary Sanctions A ¶ er 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 ce ¶ ain location(s), to provide that other pa ¶ y 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 pa ¶ icipation 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 employment<sup>22</sup>

### 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.<sup>23</sup> 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.

#### *!" 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

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:

Suspended a member a finding of responsibility for a code of conduct violation;  
Expelled a member a finding of responsibility for a code of conduct violation; or

# APPENDIX B

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# S R - R

## D

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;<sup>24</sup> 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

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<sup>24</sup> 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

either pay for failing to participate in the investigation process, but the Investigator and/or decision-maker

- 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 under this section, 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:<sup>26</sup>

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 a

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



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

The Investigator/Decision-Maker will accord the highest weight relative to other testimony to first-hand testimony by Pañies 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 Pañy 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 Pañy or witness' testimony is non-linear or incomplete, or if the Pañy 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.

*!!! 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 Pañies, 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.

*!!! 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.<sup>27</sup>

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 Pañies in writing, simultaneously. The written determination will include:

- a. A description of the alleged sex-based misconduct or retaliation;

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<sup>27</sup> 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







**S**

<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><b>Brooklyn</b>  CAMBA Victim Assistance Program  Phone: (800) 310-2449  NY Presbyterian Hospital Brooklyn Methodist, DOVE Program,  Phone: (347) 407-4480  Wycko Heights Medical Center Violence Intervention and Treatment Program  Phone: (718) 290-1431</p>
<p><b>Bronx</b>  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><b>Manhattan</b>  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><b>QUEENS</b>  Mount Sinai SAVI Program  Phone: (212) 577-7777  NYC Health + Hospitals/Queens Victim Services Program  Phone: (718) 883-4205</p>

## A

Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention.

**D**

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.

- (**" 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.
  
- )**" 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.
  
- +**" 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.
  
- ! ,**" 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.
  
- ! !**" 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.
  
- ! #**" 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.

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