

# STUDENT HANDBOOK

## 2023-2024

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## MESSAGE FROM THE DEAN FOR STUDENT AND CAMPUS AFFAIRS

Dear Student:

Welcome to the Elisabeth Haub School of Law (Pace University) Community. The Office of Student and Campus Affairs is responsible for ensuring that all students are successful during their law school journey. We act as advocates, articulating student needs and concerns and clarifying the rights, privileges and responsibilities that accompany community membership. We collaborate with faculty and staff to support the academic mission, with particular emphasis on out of class activities.

This handbook, effective August 2022, supersedes all previously published rules and regulations, announcements, statements, and publications with which it is inconsistent. Please note that the rules and regulations set forth herein are binding for all matriculated Pace University students as well as those who are on leave of absence or are visiting at other law schools. All Pace University students are expected to have read and understood this Handbook. Pace University reserves the right to change its rules, regulations, graduation requirements, course offerings, tuition, fees, and any other material set forth in this handbook at any time during the year without prior notice. Changes become effective when posted. Any questions concerning the contents of the Handbook should be addressed to the Office of Student and Campus Affairs.

The Office of the Dean for Student and Campus Affairs is located on the first floor of Aloysia Hall. If we can be of assistance to you, please do not hesitate to contact us at (914) 422-4146 or by e-mail at [studentaffairs@law.pace.edu](mailto:studentaffairs@law.pace.edu).

Again, congratulations and we look forward to working with you as a member of the Pace Community.

Sincerely,

*Angie D'Agostino*

Angela D'Agostino  
Dean for Student and Campus Affairs

## OFFICE OF THE SENIOR ASSOCIATE DEAN OF ACADEMIC AFFAIRS

The Office of the Senior Associate Dean for Academic Affairs is responsible for the overall development and delivery of the academic program of the Law School. This includes the construction of the academic schedule, and along with the Registrar, the supervision of registration. In addition, the Senior Associate Dean for Academic Affairs oversees the Honor Board, the Moot Court Program, and the Law Reviews. This Office also manages the student academic advisement and academic success program.

**Academic Policies and the Honor Code:** All students are responsible for reading and are held to the Academic Policies and the Honor Code, which are both available online at <https://law.pace.edu/campus-life/school-policies-and-procedures>.

## ADMINISTRATIVE SERVICES

### REGISTRAR/BURSAR'S OFFICE

**Registrar's Office:** The Registrar's Office is responsible for all student records. The Office is also responsible for the administration of all examinations, grade processing, ranks, Dean's List letters, distribution of the course schedule, registration for all courses, transcript processing, certifications to all state bars and loan companies, exam schedule, academic calendar, and room assignments. Further information can be found on the Registrar's site at <http://law.pace.edu/sites/default/files/academics/AcademicRegulations.pdf>.

**Bursar's Office:** This office maintains students' financial records, produces statements of account, bills students for tuition, fees, dorm, health insurance and other student related fees, and approves and initiates refunds to students via Bank Mobile. Meal Plans may be purchased at the Bursar window or charged against an existing credit on account. Payments may be submitted directly to the Bursar's Office; refunds for overpayments, or tuition cancellations or other credits may be requested. With proper documentation, the office will bill third parties on behalf of the student: employers, outside scholarship organizations, etc. This office works closely with the Financial Aid Office and the Office of Student & Campus Affairs. You may contact the Bursar's Office by phone at (914) 422-4032.

**Identification Cards:** All students must have a Pace University Identification card. The initial card is free. Replacement ID cards are subject to a \$15 processing fee. Student ID cards are property of the University and may be revoked in the case of abuse.

The Office of the Registrar and Bursar is located on the first floor of Aloysia Hall. Office hours are 9:00 am to 5:00pm, Monday through Wednesday, Thursday 9:00 a.m.-6:00 p.m. and on Friday, 9:00 a.m. – 1:00 p.m. in person and remotely until 5:00 p.m.

**Parking:** Pace University provides parking areas on campus for use by students, faculty, staff and for the purpose of conducting university business. The method of registering vehicles and the regulations governing their use on campus are stated below.

All vehicles brought on campus must be registered with the Safety and Security Department. All students, faculty and staff must register their vehicles at the beginning of each academic year. Students are responsible for their guests. Guests must obtain a temporary parking permit and comply with all University regulations. For additional information on parking on campus, please visit: <https://www.pace.edu/security-emergency-management/parking-and-traffic-guidelines>.

Parking is permitted in designated areas only and prohibited in crosswalks, fire lanes, bus stops, unpaved areas, spaces reserved for the disabled and any other areas designated as "restricted parking."

Vehicles parked in violation of campus rules will be ticketed and in some cases towed at the owner's expense. Chronic violators will be referred to the Dean for Student and Campus Affairs for appropriate disciplinary action. With the exception of some designated parking spaces, all parking is on a first come, first serve basis. Possession of a parking permit or pass authorizes parking but does not guarantee a parking space.

Pace University assumes no responsibility for theft or damage to any vehicle. Complete parking and traffic regulations are available in campus security offices.

Parking spaces for handicapped persons are reserved for those who have special handicapped license plates or permits for handicapped parking issued by the State, County or Town of residence. Members of the University community who suffer a temporary disability, which clearly affects their ability to walk, may apply to the Safety and Security Department for a temporary handicapped parking permit. Any person with a temporary disability must present to the Safety and Security Department a doctor's letter on official stationery specifying the medical problem. This medical documentation must include an expiration date for handicapped parking privileges. Unauthorized parking in a handicapped space will result in a \$100 fine and an immediate tow.

## **FINANCIAL AID**

### **APPLICATION PROCESS AND FILING DATES FOR FINANCIAL AID PROGRAMS**

Eligible students in good standing who meet the federal application guidelines may file The Free Application for Federal Student Aid (FAFSA) electronically at [www.fafsa.gov](http://www.fafsa.gov). Pace University's federal code for White Plains is 002727. Our priority deadline for need based aid programs, such as the Trustee Tuition Grant is November 15th (prior to each academic year). Students may begin filing October 1st. Students may file the FAFSA after November 15th but will lose priority consideration for Work Study and Trustee Tuition Grants. Approximately two weeks from your FAFSA file date, a Student Aid Report (SAR) should be received with the information you reported. It is important to review the information and make any necessary corrections or updates as early as possible to ensure adequate time for revisions and the processing of your financial aid.

### **A REVIEW OF PROGRAMS COORDINATED BY THE FINANCIAL AID OFFICE**

**Federal Direct Unsubsidized Stafford Loan:** The maximum Federal Direct Loan is \$20,500 for a standard academic year (two semesters). The loan has no income cut-off or credit requirements. The loan is disbursed no earlier than 10 days before the first day of class. Interest that accrues on the unsubsidized portion of the loan while the student is in school can be paid quarterly, or it may be capitalized (added onto the principal of the loan). Repayment of principal begins six months after graduation or after the student ceases to be enrolled at least half-time. At least half-time enrollment during a semester is required to qualify for a loan during that semester. There is no penalty for prepayment, and a number of relatively flexible repayment options are available. The loans are processed by the Financial Aid Office. Students are required to sign a master promissory note (MPN) and Loan Entrance Counseling (LEC) online at [www.studentloans.gov](http://www.studentloans.gov). The MPN and LEC must be completed once (first time borrowers) and is valid for 10 years.

**Direct Graduate PLUS Loans for Graduate or Professional Students:** Graduate or professional students are eligible to borrow under the Direct PLUS Loan Program up to their cost of attendance minus other estimated financial assistance. Students should exhaust their federal Stafford loan eligibility before applying for a Direct PLUS loan.

A student must be enrolled in school at least half time, be a U.S. Citizen, U.S. Permanent resident or an eligible non-citizen. A credit check is required and you must submit a FAFSA. Students will also need to complete Master Promissory Notes and Loan Entrance Counseling online at [www.studentloans.gov](http://www.studentloans.gov).

**Federal College Work-Study:** The primary purpose for this program is to promote the part-time employment of students who have financial need. Employment may be secured at Pace University or with off-campus non-profit organizations thru the Public Interest Law Center.

**Private Educational Loans:** Students who meet certain credit requirements may qualify for a Private Loan not to exceed the Cost of Attendance (COA) minus other financial aid. Please allow up to 4 weeks for processing. Pace Law does not recommend any particular lender. We will accept and certify a loan from any lender the student chooses. Please visit Pace University's ELM Select page <https://www.elmselect.com/v4/school/853/program-select> to review a historical list of lender option.

**School of Law Trustee Tuition Grant:** This is a need-based grant program awarded to new students. Annual awards are made on a first-come basis to qualifying applicants until funds are exhausted, so it is important for students to apply early each year. The grants are generally renewable each year to on-time (based on date of filing and receipt of FAFSA which is before November 15th) applicants who, since the previous year, have shown no substantial increase in their financial strength as indicated by the information reported in the FAFSA. The grant may be applied only to tuition. It is not available during the summer term or for terms of enrollment for less than 6 credits. Students must maintain satisfactory academic progress.

**Satisfactory Academic Progress Standards:** For continuing students there are minimum academic progress standards that must be met to maintain eligibility for the federal student aid programs. A student must have achieved a cumulative grade point average of at least a 2.30QPA and pass 60% of classes to be eligible to enter the third or subsequent semester of law study. If a student receives a probationary semester the student must contact the Financial Aid Office to discuss a one-time waiver of the 2.3 or good standing requirement in order to secure loans.

**Return of Financial Aid:** If a student withdraws from all or a portion of their classes in a given semester, it may be necessary to return all or a portion of your financial aid to Direct Lending. Please see the Financial Aid Office for details. If a student is academically dismissed after a refund is processed and disbursed, once all tuition and fees have been cancelled, the student must return any dispersed portion back to the institution.

## **CENTER FOR CAREER & PROFESSIONAL DEVELOPMENT & PUBLIC INTEREST LAW CENTER**

The Center for Career and Professional Development (“CCPD”) and the Public Interest Law Center (“PILC”) offer comprehensive services to Elisabeth Haub School of Law J.D. and LL.M. students and alumni. The CCPD and PILC work to educate students and alumni about the diverse career paths open to them, with PILC specifically guiding students interested in public interest opportunities and careers. Through one-on-one counseling, access to online resources and proprietary career guides, and participation in speaker panels, programs and networking events, the CCPD and PILC help students build the knowledge, confidence and contacts to identify and reach their career goals. Services include: conducting programs on all aspects of the job search and application process; holding on-campus recruiting programs; presenting career panels with expert practitioners; educating students about outside programs and career fairs; and assisting students in identifying and applying for fellowships, scholarships and judicial clerkships. The CCPD and PILC actively engage in employer outreach to secure employment opportunities and facilitate ways for students and alumni to meet, network, and build relationships with legal employers and practicing attorneys in a wide array of

fields. The CCPD and PILC encourage students are encouraged to take advantage of the many services the two centers provide.

**CCPD & PILC Staff:** Kapila Juthani, the Assistant Dean for Career and Professional Development, Elyse Diamond, Director, Public Service Careers, and Andrew Chapin, Associate Director, Career Counseling, provide individual career counseling and advice on all aspects of searching for permanent positions, internships, and part-time positions in the private sector (law firms and corporations) as well as public service, government, and judicial clerkship opportunities. CCPD and PILC counselors advise students and alumni on methods for identifying and researching private and public sector positions and employers, review resumes and cover letters, evaluate and coach interviewing skills, and work with students individually on how best to conduct the job search. All Advisors have J.D. or counseling degrees. Debra Burg, Legal Analyst, coordinates some of the CCPD's employer outreach and reporting functions and manages compliance with law school regulator reporting requirements. Lauren Vacciana-Gordon, the CCPD's Recruitment Manager, manages the CCPD's on-campus recruiting programs, handles all job postings received from employers seeking to hire Pace Law students and alumni, and assists with all students, alumni, and employer matters. Laurie Fee helps to administer PILC programs offices, including the law school's summer funding programs for public interest internships and the Pro Bono Justice program, which offers a range of opportunities for students to gain hands-on legal experience while helping people in need of legal assistance.

**Location and Hours:** The CCPD and PILC are located in Room 207 of the Aloysia Building, on the second floor. The CCPD and PILC are open Monday through Friday from 9 am to 5:00 pm, with additional hours available by appointment. Students may schedule a counseling appointment in the CCPD or PILC by visiting the reception desk in Aloysia 207, calling the CCPD's main number at (914) 422-4217, or emailing the office at [careers@law.pace.edu](mailto:careers@law.pace.edu).

**Website and Career Guides:** The CCPD and PILC websites contain information about their offices, as well as information on judicial clerkships and public interest law opportunities, internet resources, general job search tools, proprietary resources and career guides, and several sample resumes and cover letters. On the website, you can also find a link to Symplicity ([www.law.pace.edu/symplicity](http://www.law.pace.edu/symplicity)), the law school's proprietary job posting site where, along with postings for internships and job opportunities, students and alumni can also find upcoming programs and events and the on-campus interview (OCI) program schedule. Contact the CCPD for the username and password needed to access protected guides and other materials.

**Symplicity Career Service Management System:** Symplicity is a state-of-the-art, online career center management program that stores information held by the CCPD regarding students and employers. Student, alumni, and employer information, encrypted to ensure security, are available at all times from any internet connection. Once registered, students may enter or change their contact information and profile; upload and save resumes, cover letters, recommendations, and writing samples; access employer job postings; and apply for on-campus interviews online. Students may search for jobs by employer, class year, location, practice area, or any number of search criteria. All students who wish to use CCPD and PILC services must register on Symplicity and are encouraged to become familiar with this invaluable tool. While all law schools have this database, each is populated with its own postings unique to each law school. Therefore, Pace Law job postings are for Pace Law alumni and students only.

**Mock Interviews:** To help students prepare for employer interviews, CCPD and PILC counselors conduct mock interviews throughout the year. Counselors tailor interviews to help students prepare for particular employers in the private or public sector, such as law firms, district attorneys' offices, and not-for-profit organizations and provide immediate feedback and advice. It is highly recommended that all students participate in a mock interview at least once during their law school career.

**On-Campus Interview Programs:** Each fall, the CCPD and PILC run an On-Campus Interview and Recruitment (OCI) Program. Through OCI, the CCPD and PILC bring some private and public sector

employers onto campus to interview upper-level students for summer and post-graduate positions. Additional employers participate in OCI through resume collect. This process enables employers to receive materials from qualified students online and then select students to be interviewed in the employers' offices. Students receive an informative OCI packet by email in the spring semester and again over the summer outlining student participation guidelines and processes.

**Career Panel Series:** Each year the CCPD and PILC sponsor or co-sponsor a series of career panels and programs. Each program focuses on a different area of practice or type of employer and features a panel of practitioners who share their advice and individual career path. The panelists are available to answer questions and talk individually with students. Past programs have included: Careers in Prosecution; Public Interest panels (including separate presentations on environmental careers in the public sector); Careers in Federal Government; State Government and Local Government; Alternative Dispute Resolution (arbitration and mediation) Careers; and Academic Legal Careers; to name only a few. Students are encouraged to attend the career panel series and take advantage of the opportunity to meet practitioners and scholars in their fields of interest.

**University Non-Discrimination Statement:** The University is strongly committed to maintaining working and learning atmosphere that is free from unlawful discrimination, harassment, and retaliation. The University is also an equal opportunity employer that is strongly committed to making all personnel decisions without regard to actual or perceived sex, gender or gender identity; race; color; national origin; religion; creed; age; disability; citizenship; marital or domestic partnership status; sexual orientation or affectional status; genetic predisposition or carrier status; military or veteran status; status as a victim of domestic violence, sex offenses or stalking; or any other characteristic protected by law federal, state or local law, rule or regulation. All University employees, supervisors, administrators, officials, faculty members, students, and applicants, as well as everyone with whom the University does business (e.g., outside vendors, consultants, contractors) are prohibited from engaging in unlawful discrimination and/or harassment based on any of these protected characteristics. Any employer who fails to comply with Pace University's non-discrimination and anti-harassment policy will be prohibited from utilizing the services of the CCPD and PILC.

**Questions:** The CCPD and PILC are happy to respond to any questions about their services, on-line registration process, database management system, or website. Please contact the CCPD at (914) 422-4217 or [careers@law.pace.edu](mailto:careers@law.pace.edu), and the PILC at [publicinterest@law.pace.edu](mailto:publicinterest@law.pace.edu).

## **DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES DEPARTMENT OF LAW SCHOOL INFORMATION TECHNOLOGY SERVICES**

Information Technology Services (ITS) provides technical support to students, faculty, and staff. Support services are located on all main campuses of Pace University (NY, PLV, and WP).

The ITS Walk-In Center is located in Aloysia Hall room 302. The hours of operation for this location is 9:00AM to 5:00PM, Monday through Friday. These times are subject to change based on need and staffing; there are altered summer and holiday hours. There are other Walk-In Centers located on the NY and PLV campuses as well.

The ITS Help Desk can be contacted by the following methods:

- Web: [help.pace.edu](http://help.pace.edu)
- Phone: (914) 773-3333
- Email: [lawits@law.pace.edu](mailto:lawits@law.pace.edu)

Hours of operation can be found at [www.pace.edu/itshelpdesk](http://www.pace.edu/itshelpdesk), along with additional support-related information for all campuses.

ITS information (including the information in this document) and additional web resources, are available in the Information Technology section of the Pace Law School website. To access this section, please direct your browser to <https://law.pace.edu/ITS>.

**Appropriate Use Policy for Information Technology:** Please note that registered law students are responsible for reading and abiding by the Appropriate Use Policy. It is your responsibility to access the document on the web at <http://www.pace.edu/its/about-its/policies/it-appropriate-use-policy> or by searching for it on the [www.pace.edu](http://www.pace.edu) website. Should allegations arise which implicate a student in misuse of IT resources, it will not be deemed a defense that he or she was unfamiliar with the policy. Pace University reserves the right to amend or otherwise revise this document as may be necessary to reflect future changes made in the IT environment.

Access to technical resources at Pace University School of Law is a privilege and carries with it a responsibility to protect those resources. It is the policy of this Law School and Pace University that all computing, telecommunications, and associated network facilities be used ethically and legally, in accordance with the University's mission and all applicable licenses and contracts. Students are not permitted to install, delete or otherwise modify the software or hardware on the computers in the Law Library or anywhere else at the Law School or University. Any use that would impede teaching, learning or research, hinder the functioning of the Law School or University, violate an applicable license or contract, damage community relations or relations with institutions with whom Pace shares responsibility, or violate federal copyright law, violates this policy. Violation of this policy may result in suspension of privileges to access the information technology involved, initiation of disciplinary procedures or, in extreme cases, criminal prosecution under federal or state law. Students are responsible for all usage that is done under his or her username. Students should never disclose their passwords to anyone else.

**Accounts:** Students are assigned MyPace accounts at the beginning of their first semester at Pace Law School for use through their entire law school tenure. There is a single login required for all Pace University resources. Your MyPace username account login will be required to identify yourself when accessing all resources on the intranet and network, including email, student-use workstations in the library, authentication on the wireless network, the MyPace Portal, and additional resources. Your MyPace username will be your initials followed by randomized numbers and a character (example: jd12345w). If you do not know your MyPace username, you can search for it in the Pace University Directory.

**Using the Pace University Directory to find contact information:**

1. Go to <https://directory.pace.edu> and type your name in the field titled **Search by Name**
2. Select **Students** or **All** from the dropdown list under **Person Type** and click **Search**
3. In the **Results** pane, select the **View Details** link for your name from the list
4. Your contact information will open in a new window

Your MyPace username or user ID will be the Pace email address provided without the @pace.edu. All Pace Law School students are provided two email addresses—one is the Pace University User Name followed by @pace.edu (e.g. [jd12345w@pace.edu](mailto:jd12345w@pace.edu)), and the law school specific email address which is generally [first\\_initial\\_last\\_name@law.pace.edu](mailto:first_initial_last_name@law.pace.edu) (e.g. [JDoe@law.pace.edu](mailto:JDoe@law.pace.edu).) All email is delivered to the one mailbox at <http://outlook.com/owa/pace.edu>. Pace University uses Microsoft Exchange 365 for email.

**Activating Your New MyPace Account:** First-time students who get a new MyPace username and password must activate their account and set up their security questions before they can log into Pace systems. New MyPace accounts can be activated via the Apps/Downloads/Account Management (ADAM) website at <http://adam.pace.edu>. Click on **Account Activation** (top right) and provide your username and *initial*



MyPace password. If you have never logged in, your password will be your initials from your first and last name (lower-case), followed by a hyphen, and then your date of birth in MM-DD-YYYY format. For example, if your name is John Smith, and you were born on January 3, 1990, your default password would be js-01-03-1990. Users are prompted to change their password when activating their MyPace account for the first time. For assistance with creating a new password, please review the Password Security Guidelines at <https://aspnetweb.pace.edu/adam/guidelines.html>. Once the password is changed, all other Pace system accounts will be reset to that new password. Next, select two different security questions and type in your answers. Answers are case-sensitive and should be complex enough that others cannot easily guess them.

**DUO Multifactor Authentication (MFA):** Pace University uses Duo Multifactor Authentication (MFA) for access to designated applications, which helps to strengthen security measures and mitigate potential system access vulnerabilities. MFA, also known as 2-factor authentication, adds a second verification step (or 2nd factor) by utilizing a mobile device possessed by the authorized Pace member seeking access to the application. Students will need to enroll one or more mobile devices (smartphones, tablets) for Duo Multifactor Authentication (MFA). Click on the link below for instructions on first-time device enrollment. <https://paceuniversity.atlassian.net/wiki/spaces/KBT/pages/724795685/Duo%2BMFA%2BFirst%2BDevice%2BEnrollment>

**MyPace Portal:** MyPace Portal provides access to student records, including grades and financial statements. Students will access the MyPace Portal to register for all classes. This is also where students can go to learn their “U” number—a numerical identifier that is used in place of Social Security numbers at Pace University.

To access MyPace Portal:

1. Go to <http://portal.pace.edu> and log in using your MyPace Portal username, password and DUO passcode.
2. Click on the **Students** tab and explore to become familiar with the portal
3. To locate your U number click **Check your registration** status (for example), and you will see your U-number in the top-right corner of the page, to the left of your name.

**Computer Resources:** At Pace Law School students will use technology resources intensively, including word processing, on-line research, and email. There are computer facilities on the White Plains, Pleasantville, and New York campuses. All public use computers are configured to remove user information and data when logged off, shutdown, or restarted. It is very important that students remember to save all their work to other forms of storage.

White Plains Campus:

The Law Library has two computer labs and there are a few general access locations.

1. The main lab is on the first floor of the Library opposite the Circulation Desk. This lab has twelve computers and two networked printers.
2. The Law Library also has a computer lab on the third floor of the Glass Building with twelve computers. This lab is also used for teaching and training sessions in online research.
3. There are public access computers located in the carrels opposite the Reference Desk on the first floor of the Library. These computers print to the printer behind the Circulation Desk.
4. There are two computers in the Preston Student Lounge, one across from the registrar’s desk, and other strategic locations throughout the campus.

Pleasantville and New York Campuses:

1. ITS maintains and manages several computer facilities on both campuses. See details and hours of operation for these campuses at [www.pace.edu/crcrlabs](http://www.pace.edu/crcrlabs).
2. Library facilities on these campuses also have available computers and services. See details and hours of operation for their locations at <http://libguides.pace.edu/home>.

**Student IT Resources:** Learn about IT resources, access various systems and services at [www.pace.edu/studentit](http://www.pace.edu/studentit)

**Applications, Downloads, and Account Management:** Apps/Download/Account Management Change, Unlock, or Reset your Password, and download MS Office, Skype for Business, at <http://adam.pace.edu>

**PACE-WIFI and Pace Computer Access:** Pace University MyPace usernames are required to access computers and related software in the Law Library, network printers, server storage and other network resources. This account is also required to connect to the wireless network on campus. For details on our wireless service and connection instructions visit [www.pace.edu/wireless](http://www.pace.edu/wireless).

**Student Printing:** Pace University has implemented the Pharos Uni-Print solution to provide a "green", student-friendly approach to printing. Using the PaceOne Card or MyPace Account students can print, photocopy, and scan to e-mail. Pace University provides the capabilities to print from any remote location and pick up materials from any designated print location. Students will receive a \$30.00 credit for printing at the start of the Fall, Spring, and Summer I semesters. To find out more visit [www.pace.edu/studentprinting](http://www.pace.edu/studentprinting).

**Exam4:** Exam4 is an application that allows students to take final exams on personal laptops while locking down access to other applications on the computer. When exam time is near, you will receive an email to your Pace email account providing instructions on where and how to download the latest version of the software prior to your designated exam date.

**LinkedIn Learning:** Access a vast online library of instructional videos to improve your software, creative, and business skills at <https://www.pace.edu/its/teaching-and-learning/linkedin-learning>.

**PaceAlert: Emergency Notification System:** Register to receive emergency notifications via telephone, e-mail and text messaging at <https://alert.pace.edu>.

**ITS System Status:** Find out about the latest IT related system outages, updates and news at <http://status.pace.edu>.

## OFFICE OF STUDENT AND CAMPUS AFFAIRS

Angela D'Agostino, Dean for Student and Campus Affairs and Natalie Panzera, Director of Student and Campus Affairs, support the development of community within the Law School.

**Location and Hours:** The office is located on the first floor of Aloysia Hall. We are open from 9:00 a.m.-5:00 p.m. with additional hours available on Tuesdays and Thursdays. Students may schedule an appointment with the Dean or Director by e-mail, telephone or by e-mailing [studentaffairs@law.pace.edu](mailto:studentaffairs@law.pace.edu).

### Reasons to Visit Student and Campus Affairs

- You have a question, concern or problem and you are unsure where to go, or with whom to speak.
- You want to find out about services for students with disabilities and/or implementation of services.
- You are having personal problems that may be affecting your academic performance.
- You need to miss classes or an examination due to an illness or another personal problem.
- You are a member of a student organization and have questions about your budget or hosting an event.
- You have suggestions or ideas about improving student life and would like to talk about it.

- You have financial aid concerns.
- You would like to apply for endowed scholarship
- You are in need of emergency loan money due to an extraordinary circumstance.
- You need to apply for a leave of absence.

## STUDENT ORGANIZATIONS AND ACTIVITIES

Student Organizations, representing many fields of interest, attempt to provide additional experiences that will aid in developing the individual. These groups offer opportunities for leadership, recognize scholarship, encourage citizenship and provide social experiences.

All recognized organizations fall under the jurisdiction of the Student Bar Association (SBA). The SBA Executive Board and Assembly are elected by the student body and are responsible for assisting in the policy-making decisions that affect organizations. All organizations are required to abide by all policies and decisions of the SBA and the administration. Please refer to the Student Organization Handbook on the Student Organization website: <https://law.pace.edu/campus-life/student-organizations>.

## RESIDENTIAL LIFE

Community living is a valuable experience, which provides opportunities and rewards that will last a lifetime. Exposure to new people, ideas, cultures and ways of thinking create an environment ripe for growth and learning.

At Pace, our residential life program is centered in the belief that community living is an integral part of the total educational experience. The staff is committed to providing facilities, programs and services that complement your academic development and promote your personal and social development. Students are viewed as whole individuals working toward integration with others and enjoying the privileges of community membership, while accepting its inherent responsibilities.

Our programs, rules and guidelines are designed with your safety and welfare in mind. Residents are bound to follow the Guide to Community Living and the University’s policies.

## DINING SERVICES

The dining hall is located in Preston Hall Chartwells Food Service is the vendor for the dining hall. In addition to weekly specials that will be posted, a variety of daily items including hot and cold entrees will be available. For more information on campus dining, please visit <https://dineoncampus.com/pacelaw>.

The dining hall is open:

Monday - Thursday .....	8:00 am - 6:30 pm
Friday .....	8:00 am - 2:00 pm
Saturday .....	10:00 am - 2:00 pm

## TRANSPORTATION

**Shuttle Bus:** The Law School runs a shuttle bus that provides transportation from the lower parking lots to the law school buildings. In addition to the on-campus service, we provide transportation to and from the White Plains Metro North train station, as well as to the local grocery store on Fridays for campus students. The schedule can be found at <https://www.pace.edu/transportation/bus-schedules-and-shuttle-services>.

## **COUNSELING CENTER / OFFICE OF STUDENT ACCESSIBILITY SERVICES**

Helping you to realize your full potential for growth and development is a major goal of the Counseling and Personal Development Center. The counseling process teaches you to think objectively about yourself and your relationships with others. This is accomplished through a variety of services that are provided to you free of charge. To make an appointment, please call (914) 772-3710.

Staff psychologists are available for you to discuss any personal or emotional difficulties in complete confidentiality. Services range from counseling for temporary personal and professional problems to crisis intervention in response to rape, sexual harassment and sexual abuse.

Beginning a graduate career is an exciting and challenging experience. If you are a student with a disability, this experience can be especially challenging. Assistance is available to students with disabilities through the Office of Student Accessibility Services to enable them to have equal access to Pace University's educational programs and facilities.

The same rigorous admission and academic standards apply to students with and without a disability. In order to support the continued success of students with disabilities, the University prohibits discrimination on the basis of disability and is committed to providing equal access for students with disabilities to its facilities, programs, and activities. The University's commitment to equal educational opportunities for students with disabilities includes providing reasonable accommodations for the needs of students with disabilities.

Federal law, including the Rehabilitation Act and the Americans with Disabilities Act, both as amended, as well as state and local laws prohibit institutions of higher education from discriminating against students with disabilities. The Americans with Disabilities Act defines an individual with a disability as a person who has a physical or mental impairment which substantially limits one or more major life activities of the individual, has a record of such an impairment, or is regarded as having an impairment.

Students with, among others, hearing, visual, or mobility impairments, or psychological conditions may be eligible for a reasonable accommodation. More specific examples of impairments include such things as specific learning disabilities, attention deficit and hyperactivity disorder, traumatic brain injuries, bipolar disorder, vision and hearing loss, cerebral palsy, paraplegia, and certain chronic health conditions.

Major life activities include, but are limited to, activities such as seeing, hearing, learning, reading, concentrating, communicating, standing, walking, eating, sleeping, speaking, caring for oneself, thinking, and the operation of a major bodily function.

Each student diagnosed with a particular disability will have a different level of functioning even within the same disability category. Further, compensation skills will also vary from one student to another and in the same student over time. Therefore, accommodations are determined on a case-by-case basis according to a student's documented needs, guidelines suggested by federal and state law, and criteria developed by the University.

Identifying and implementing a reasonable accommodation for a student with a disability is an interactive process that includes shared responsibility between the University and the student. Accommodations include, for example, academic adjustments or modifications, auxiliary aids and services, and adjustments to make the campus, residential housing and transportation accessible. Academic adjustments include such things as extended time to complete examinations, a distraction-reduced testing environment, permission to record classes, and course substitutions. Examples of auxiliary aids and services are note-taking services, readers and/or scribes for examinations, sign language interpreters, and caption services.

The University is required to provide a reasonable accommodation; it is not required to provide the specific accommodation requested by the student. In providing accommodations, the University is not required to lower or effect substantial modifications to essential requirements or to make modifications that would fundamentally alter the nature of the service, program or activity. Thus, for example, although the University may be required to provide extended time within which to complete a test, it is not required to change the

substantive content of the test. Personal attendants, individually prescribed devices, readers for personal use or study, wheelchairs, hearing aids, and other devices or services of a personal nature are the responsibility of the student, not the University. Finally, the University is not required to make adjustments or provide auxiliary aids or services that would result in an undue burden on the University.

Funding for auxiliary aids and services may be available from certain state agencies such as, for example, the New York State Adult Career and Continuing Education Services -Vocational Rehabilitation. For those auxiliary aids and services that are likely to be funded by a state agency, the University may require the student to apply to the agency for funding. The University may provide assistance with the application for funding.

To request an accommodation for a qualifying disability, a student must self-identify and register with the Office of Student Accessibility Services for their campus. The Office of Student Accessibility Services is housed in the Counseling Center on both the New York City and Pleasantville campuses. The Office of Student Accessibility Services for the New York City campus may be contacted at 212-346-1526 or 156 William Street, 8th Floor. The Office of Student Accessibility Services for the Westchester campuses may be contacted at 914-773-3710 or the Administration Center, 861 Bedford Road, Pleasantville. Notifying other University offices, faculty or staff does not constitute giving notice to the University of a request for an accommodation. No one, including faculty, is authorized to evaluate the need and arrange for an accommodation except the Office of Student Accessibility Services staff. Moreover, no one, including faculty, is authorized to contact the Office of Student Accessibility Services on behalf of a student.

It is the student's responsibility to request an accommodation. Because some accommodations may take considerable time to arrange, students are urged to contact the Office of Student Accessibility Services in order to request an accommodation as soon as possible after receiving notice of admission to the University. Untimely requests may result in delay, substitution, or an inability to provide an accommodation. If a request for an accommodation is submitted late, the Office of Student Accessibility Services will, nevertheless, make every reasonable effort to process the request for an accommodation.

Before an accommodation will be provided, the student may be required to submit medical and/or other diagnostic information concerning the student's impairments and limitations. If the information provided is unclear or incomplete, the student may be required to provide additional information or participate in further evaluations. The Office of Student Accessibility Services will, in conjunction with others as may be appropriate, evaluate the information provided by the student and health care providers; refer the student for additional testing and evaluation as may be necessary; make recommendations for the accommodations to be provided to the student; and, assist in arranging for the implementation of the accommodation to be provided.

If a student experiences difficulties with the implementation of the accommodation or, if after it has been implemented, a student has concerns that the expected results of the accommodation are not being met, the student must promptly notify the Office of Student Accessibility Services. The Office of Student Accessibility Services will, as may be appropriate, endeavor to remedy the situation. If a student disagrees with the accommodation recommended by the Office of Student Accessibility Services, he or she should promptly appeal the recommendation to the Assistant Dean for Community Standards and Compliance at 914-773-3168.

Faculty members who have concerns about a reasonable accommodation recommended by the Office of Student Accessibility Services for his or her class, should contact the Office of Student Accessibility Services on the appropriate campus.

Depending on the nature of the disability and the accommodation provided, a student may be required periodically to submit medical and/or diagnostic information demonstrating the current status of the disability and/or to renew the request for an accommodation.

Any questions about the services offered by the University to students with disabilities or the procedures for requesting an accommodation should be directed to the Office of Student Accessibility Services for the New York City campus at 212-346-1526 or for the Westchester campuses at 914-773-3710.

The information and documents provided to the University in support of a student's request for an accommodation shall be maintained as confidential. Individually identifiable information will not be disclosed except as may be required or permitted by law or pursuant to a release signed by the student.

If a student has concerns that he or she has been discriminated against because of a disability, he or she should contact the University's Affirmative Action Officer at 212-346-1310 or 914-773-3856.

## UNIVERSITY HEALTH CARE

The following services are available on the Pleasantville campus:

**Care of acute illnesses and common infections:** Respiratory infections, including strep throat, bronchitis, earaches; gynecological and urinary infections; back strain, first aid, gastrointestinal problems and many more.

**Health Maintenance:** Routine physicals, including school and pre-employment exams, annual pap smears, routine and emergency contraceptive services, allergy injections, lab tests, acne care, blood pressure monitoring, immunizations and more.

**Personal Health Maintenance Program:** Improve your health and quality of life through nutrition, stress management, physical fitness, and smoking cessation.

The staff of University Health Care provides Pace University students, faculty, staff and their family members and alumni with a wide range of primary health care services and a unique Personal Health Management program. Certified nurse practitioners, with physician consultation when indicated, deliver services ranging from emergency first aid (lacerations not requiring sutures, bruises, and minor burns) to thorough history and physical exams, including gynecologic exams. They can prescribe medications.

Residents in need of medical attention due to illness or emergency during hours when University Health Care Offices are closed should contact the Security who will assist you in obtaining the necessary help and transportation.

In the event a resident is diagnosed as having a medical condition or illness which poses the threat of transmission to or significant disruption of the residence community, in consultation with the Dean for Student and Campus Affairs, University Health Care may require the resident to vacate his/her room until such time as it is determined that he/she may return. NOTE: All students born after January 1, 1957 must show proof of immunity to Measles, Mumps, and Rubella.

## HEALTH INSURANCE

We are pleased to announce the continuation of a program at Pace University that underscores the University's commitment to health and wellness and reaffirms our desire to enable you to complete your education at Pace without the worry of extreme financial hardship brought on by illness or injury.

The University has designed a mandatory Student Accident and Sickness Insurance Plan for students attending Pace. <https://www.pace.edu/health-insurance>

The STUDENT ACCIDENT AND SICKNESS INSURANCE PLAN FOR DOMESTIC STUDENTS ATTENDING PACE UNIVERSITY (BROCHURE), that describes the policy Terms, coverage, exclusions, and premiums, may be found on the Pace University web site, in Adobe Acrobat (.pdf) format, at [www.pace.edu/HealthInsurance](http://www.pace.edu/HealthInsurance), and may be downloaded and printed to your personal computer/printer in its entirety.

Please note that the Accident/Sickness Insurance fee will automatically be included on your student invoice if you are a full-time student, and must be paid with your tuition. For purposes of this plan, full-time is defined as being enrolled as a full-time day division student, paying full-time tuition.

If you have existing Accident and Sickness insurance coverage under another policy (self, parent, spouse, etc.) you may waive the mandatory Pace University coverage. The only way for you to waive the Pace University coverage is via the internet, using the PacePortal. Please print the confirmation page as proof that you have waived the coverage. **You must waive the Pace Insurance Plan each year you are enrolled.**

Providing false information on an on-line waiver request, or letting existing coverage lapse without informing the University may result in a charge for Pace Insurance coverage to the student's account and/or disciplinary action. The University or its agent(s) reserves the right to verify information regarding alternate coverage provided by the student as part of his/her on-line request to waive out of the Pace Insurance Plan.

Any part-time student registered for six (6) or more credits may voluntarily choose to purchase the Pace Insurance Plan. All students that have the Pace Insurance Plan may also enroll his/her spouse, domestic partner, and/or dependents in the plan (please see the Part-time Student and Dependent Enrollment Form for details). These Enrollment Forms are available through the Pace website at [www.pace.edu/HealthInsurance](http://www.pace.edu/HealthInsurance).

By continuing this policy, the University reaffirms its commitment to enabling you to complete your education protected from the potentially devastating financial effects of injuries or illness. Please feel free to contact the Office of the Dean for Student & Campus Affairs, [(914) 422-4136], or the University Health Care Offices [NY, (212) 346-1600]; Westchester, [(914) 773-3760] if you have any questions.

**Immunization Policy:** All students matriculated in a degree program, enrolled for 6 or more credits, and participating in classes on a campus at Pace University must comply with the New York State Department of Health immunization requirements for admission (and continuation) as a Pace student detailed below. Students enrolled solely in online courses are not required to be in compliance. Once registered for a course requiring attendance on campus, these students must meet all requirements.

**Students will not be allowed to attend classes unless they are in full compliance with the requirements of the New York State Department of Health Public Health Laws regarding Measles, Mumps, Rubella, and Meningitis. [A completed Immunization Requirement Form must be submitted.](#)**

**Meningitis:** New York State Public Health Law (NYS PHL 2167) requires institutions, including colleges and universities, [to distribute information about meningococcal disease and vaccination to all students](#) meeting the enrollment criteria, whether they live on or off campus.

Pace University is required to maintain a record of the following for each student:

- Certificate of Immunization for meningococcal meningitis disease; **or**
- A response to receipt of meningococcal meningitis disease and vaccine information signed by the student or the student's parent or guardian; **AND, EITHER**
- Self-reported or parent recall of meningococcal meningitis immunization within the past 10 years of the student's first date of enrollment at Pace University; **or**
- An acknowledgement of meningococcal disease risks and refusal of meningococcal meningitis immunization signed by the student or student's parent or guardian.

Pace University **strongly encourages** first-year resident students to receive the meningitis vaccination. Students may submit this requirement electronically at: <http://www.pace.edu/paperless>.

The University Health Care Center does not offer the meningitis vaccine.

**COVID-19 VACCINE AND BOOSTER:** As we have announced in previous semesters, **anyone coming to a Pace campus will be required to be both vaccinated and boosted once they are eligible** (subject to approved medical and religious exemptions). You can find information on booster eligibility [here](#). You should upload your booster record to the [Confidential Patient Portal](#). First enter your booster date under the Immunizations tab, then go to the Uploads tab and then select "COVID-19 Vaccination Documentation" from the drop-down menu. A video with instructions on uploading your vaccine or booster record is available [here](#).

To continue to access campus, you must upload a record of your booster within 30 days of when you become eligible. We recognize there may be extenuating circumstances, including for international students who did not receive their initial vaccine in the United States, and we will issue extensions where appropriate. You may apply for an [extension](#) via the confidential [Patient Portal](#). You can find an FAQ [here](#).

Under current CDC guidance, those who are vaccinated and boosted are not required to quarantine after exposure to a positive case. If you are eligible for a booster but have not received it, you will be required to quarantine after an exposure.

**MEASLES, MUMPS AND RUBELLA:** PHL 2165 requires that students born on or after January 1, 1957 provide proof of immunizations to register for classes. Students eligible for a birth exemption, medical exemption, or religious exemption must check off the appropriate box in Part Three of the [Immunization Requirement Form](#) and submit the necessary documentation.

- **Measles** –2 doses given after 1968, after your first birthday and at least 28 days apart (the first dose is considered Day 0)
- **Mumps**– 1 dose
- **Rubella**– 1 dose

**Acceptable Proof of Immunity:**

- Vaccination card from childhood
- Immunization records from your health care provider
- High school's immunization records
- Physician documented proof of disease (**proof of disease is not acceptable for rubella**)
- A dated lab report reflecting blood tests proving immunity to Measles, Mumps and Rubella (a.k.a. Blood Antibody Titer)

**Please be aware that New York State immunization requirements may differ from those of other states, and you may need to receive additional vaccinations in order to be in compliance.**

**Records need to:**

- Clearly indicate the vaccines, dates, name and location of the doctor or clinic
- Be stamped and signed by the doctor or clinic
- Be easily readable

[MMR Vaccination is available at the University Health Care Center for \\$15.](#) These offices can also process blood antibody titer tests for Measles, Mumps, and Rubella.

**By Mail: \*\***

Pace University  
OSA – Immunization Compliance  
One Pace Plaza,  
New York, New York 10038

\*\* Do not mail your records to any other office. It will delay processing and/or notification of any illegible or incomplete documentation.

**In-person:**

Completed Immunization Requirement Forms may be dropped off at the OSA/Student Solutions Center at your home campus.

**By Fax:**

(914) 989-8309: include name, student ID number and telephone number.

Send scanned documents to [immunization@pace.edu](mailto:immunization@pace.edu).

For more information, please go to <http://www.pace.edu/office-student-assistance/immunization>.



## OFFICE OF SAFETY AND SECURITY

The primary responsibility of the Security Department is to ensure the safety and security of the students, faculty, staff and visitors to the University.

Pace University security provides a 24 hour-a-day patrol presence on campus. All security personnel receive mandatory pre-employment training in accordance with federal and state laws. They also receive additional in-service training on a monthly basis. Security officers respond to an array of situations during their tour of duty. These requests for service may include medical emergencies or response to a fire or intrusion alarm. Security officers prepare incident or accident reports, and refer matters to other Pace departments or outside agencies, as necessary.

White Plains      Preston Hall      (914) 422-4300

The Security Department also provides the following services to the University community:

- Provides an escort service between any two points on campus between dusk and dawn
- Enforces the parking program
- Maintains a Central Station where fire and intrusion alarms, emergency telephone systems and closed circuit TV cameras are monitored

**Crime Reporting:** Consistent with legal requirements, members of the Pace community will be advised on a timely basis regarding the occurrence of crimes on campus.

Special security notices are prepared in the event that a crime is committed on campus and are distributed throughout the University. These notices provide the facts related to the incident and alert members of our community to prevent future incidents from occurring. Incidents can be reported to campus security 24 hours a day. The Safety and Security Department also maintains statistics on campus crime and disciplinary referrals relating to violations of the University drug, alcohol and weapons policy. Statistics are published on the Safety and Security website and on the Department of Education website.

**Lost and Found:** Pace assumes no responsibility for personal property missing from or lost on University premises. You should exercise care for all personal property including apparel, handbags, wallets, briefcases, office articles, books, pictures, laptops or equipment. Missing property should be reported to the Safety and Security Department, which makes every reasonable effort to help recover it. Anyone finding unidentified property should bring it to the campus Security Office immediately.

### Fire Safety

- If you suspect or see a fire, sound the alarm, and evacuate the building by way of the nearest stairwell.
- Close doors behind you and never use the elevator unless directed to do so by emergency personnel.
- If thick smoke is encountered, increase your visibility by crawling low to the floor. Toxic chemicals from smoke can be deadly in minutes.
- Check doors and metal knobs to see if they are hot. If they are, do not open the door. Use a wet shirt or towel to cover the crack at the base of the door to prevent smoke penetration.
- If you are trapped, go to the window to signal for help. If there is a phone, call security and 911 to report your location.
- Once you are out of the building, report location of individuals with disabilities or others needing assistance to emergency personnel. Assemble at least 100 feet from the effected building.
- Individuals with disabilities should look for areas of refuge like stairwells with fire doors or safe areas in classroom buildings.
- Please take fire alarms seriously and do not ignore them. Do not worry about taking personal property with you; time is of the essence.

- Take responsibility for prevention; follow all rules relating to fire safety.
- Tampering with smoke alarms, pulling false alarms or misusing fire protection equipment is a criminal act and will be prosecuted. University disciplinary proceedings will also take place. These are dangerous pranks and should be reported immediately.

## WEATHER CLOSING POLICY

You should sign up for the **Pace University Emergency Alert System** to receive a phone call, a text message, and an email with emergency notifications at [appsrv.pace.edu/ConnectED/](https://appsrv.pace.edu/ConnectED/).

This policy applies to closings on all weekdays and Saturdays.

The University President or his designees have the authority to make closing decisions in the event of inclement weather. While the University may consult with the Law School, Deans cannot make closing decisions on their own.

Decisions to cancel day classes will be made as early in the morning as possible. Similarly, decisions to cancel evening classes will be made by mid-afternoon, if at all possible, before 2:00 pm. However, the decision to close or delay classes is made by the University and not by the Law School.

When newspaper/radio/TV weather reports predict an impending weather emergency for the next day, all faculty, staff, and students should attempt one or more of the following:

1. Call the Registrar's Office at (914) 422-4001.
2. Check the Law School Website or the University Website.
3. Call the emergency closing numbers listed below.
4. Tune into the designated radio stations also listed below.

### Campus Closing Information

- University Weather Message (914) 773-3398
- [www.law.pace.edu](http://www.law.pace.edu)
- AM WFAS 1230
- WLNA 1420
- WVOX 1460
- FM WRTN 93.5
- WHUD 100.7
- WFAS 10.39

## DISCIPLINARY AND GRIEVANCE PROCEDURES

**General Statement of Policies:** The University reserves the right, at its sole discretion and with or without prior notice, to promulgate new academic and nonacademic rules, policies and practices, as well as to amend or rescind existing academic and nonacademic rules, policies and practices. By applying for enrollment and by enrolling each applicant and enrolled student, respectively, agrees to be bound by all of the University's rules, policies, practices, including, without limitation, the Guiding Principles of Conduct. Applicants and enrolled students who fail to comply with the University's rules, policies and practices are subject to discipline that may include, but is not limited to, denial of admission, denial of academic credits or a degree, suspension and/or dismissal from the University.

**Academic Integrity:** Students are required to be honest and ethical in satisfying their academic assignments and requirements. Academic integrity requires that, except as may be authorized by the instructor, a student must demonstrate independent intellectual and academic achievements. Therefore, when a student uses or relies upon an idea or material obtained from another source, proper credit or attribution must be given. A failure to give credit or attribution to ideas or material obtained from an outside source is plagiarism.

Plagiarism is strictly forbidden. Every student is responsible for giving the proper credit or attribution for any quotation, idea, data, or other material obtained from another source that is presented (whether orally or in writing) in the student's papers, reports, submissions, examinations, presentations and the like.

Individual schools and programs may have adopted additional standards of academic integrity. Therefore, students are responsible for familiarizing themselves with the academic integrity policies of the University as well as of the individual schools and programs in which they are enrolled. A student who fails to comply with the standards of academic integrity is subject to disciplinary actions such as, but not limited to, a reduction in the grade for the assignment or the course, a failing grade in the assignment or the course, suspension and/or dismissal from the University.

**Guiding Principles of Conduct:** The primary functions of an institution of higher learning are teaching, learning, scholarship and service. Each member of the University community is required to cooperate with the University in its endeavors to foster and maintain the freedom of expression and exchange of ideas necessary to achieve excellence in teaching, learning, scholarship and service. The University strives to protect the rights of its students and employees (including faculty members) to publicize opinions through written and oral communications; to organize and join political associations; to convene and conduct meetings; and to advocate, demonstrate and picket in an orderly fashion. Further, members of the University community are responsible for fostering and maintaining respect for the dignity and uniqueness of one another.

In order to preserve an atmosphere in which a free exchange of ideas may flourish, and to ensure the dignity and safety of all members of the University community as well as the unimpeded operation of the University (and as required by federal, state and local laws including, without limitation, N.Y. Educ. Law § 6430), the University has adopted the Guiding Principles of Conduct. The Guiding Principles of Conduct applies to all members of the University community including, among others, employees, faculty members, students, applicants for academic admission and employment, visitors, guests, vendors, contractors, and other third parties while they are on University premises or at University-sponsored activities. References to "University premises" in these Guiding Principles of Conduct apply to premises either owned or leased by the University.

The Guiding Principles of Conduct are not exhaustive and include, but are not limited to, the following:

1. Students and other persons participating in a class or activity related to a class (such as, for example, internships and field trips) must comply with a faculty member's reasonable standards of behavior for the class and/or related activities.
2. Theft, willful destruction or damage to or misuse of any University property or property owned by any member of the University community is prohibited.
3. The sale, purchase, possession or use of incendiary devices, explosives or dangerous weapons (including any item or material which could be used to inflict injury or harm or to intimidate) on University premises or at University-sponsored events is prohibited.
4. The unlawful use, possession, sale, distribution or manufacture of controlled substances and drug paraphernalia on University premises or at University-sponsored events is prohibited. (Further information may be found in the University's Drug and Alcohol Policy.)
5. Obstruction of or interference with the normal operations and processes essential to the University is prohibited.
6. Interference with academic freedom (including speech in the classroom and by University-approved guest speakers) is prohibited.
7. Strict compliance with the University's policies and procedures concerning demonstrations and rallies is required.
8. Strict compliance with the University's policies and procedures concerning the appropriate use of information technology is required.

9. Deliberate actions that cause, or might reasonably be expected to cause, injury, either physical or mental, to any member of the University community are prohibited. Such actions may include, for example, violence or threats of violence.
10. Members of the University community are required to comply with the instructions of a University administrator, or other duly authorized agent of the University, to, for example, display or present identification. Members of the University community are also required to evacuate University premises and University-sponsored events when directed to do so by authorized personnel or a mechanical device (such as a fire alarm).
11. Any action or situation which recklessly or intentionally endangers the safety or mental or physical health of any member of the University community or involves the forced consumption of alcohol or drugs for the purpose of initiation into or affiliation with any organization is prohibited on University premises and at University-sponsored events. In addition, such conduct by students and employees (including faculty), whether on or off University premises or at University-sponsored events, also is prohibited.
12. Engaging in violence or intimidation against another person and destroying property because of bias or prejudice while on University premises or at University-sponsored events violates the University's Hate/Bias-Related Policy and is prohibited. Such conduct by students and employees (including faculty), whether on or off campus or at a University-sponsored event, is also prohibited.
13. Members of the University community are required to timely satisfy their financial obligations to the University, including, but not limited to, amounts due to the Office of Student Assistance, the University bookstore, the University library, University housing, the Student Development Office, and Security.
14. Consumption of alcohol by any member of the University community who is under the age of twenty-one is illegal and prohibited on University premises and at University-sponsored events. Supplying alcohol in any quantity to a member of the University community who is under the age of twenty-one is illegal and prohibited. (Further information may be found in the University's Drug and Alcohol Policy.)
15. Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on University premises or at University-sponsored events. Members of the University community are not permitted to be intoxicated, or to become intoxicated, while on University premises or at a University-sponsored event.
16. Gambling is not permitted on University premises or at any event sponsored by a student group or organization.
17. Solicitation by students, student clubs and student organizations including, but not limited to, fund raising, on University premises or in connection with a University-sponsored event is prohibited without the prior approval of the Director of Student Development and Campus Activities or the Dean for Students.
18. "The solicitation of goods or services by one staff member to another during regularly scheduled work time is prohibited. Selling commercial goods and distributing promotional information and handbills in regular work areas is also prohibited." (A copy of the Solicitation and Distribution policy may be found in the Pace University Employee Handbook.)
19. Other members of the University community, such as applicants for academic admission and employment, visitors, guests, vendors, contractors and other third parties, are prohibited from soliciting and distributing on University premises or in connection with University-sponsored events without prior approval from the Director of Security.

20. Prior approval from the appropriate University administrator must be obtained before any materials or documents may be posted or distributed on University premises or at University-sponsored events.
21. The falsification of University documents is prohibited.
22. While on University premises or at University-sponsored events, members of the University community must not dress or conduct themselves in a manner that would be considered lewd or indecent by the University.
23. Conduct on or off campus in a manner the University determines reflects adversely on the good name and reputation of the University is prohibited.
24. Conduct by students and employees (including faculty) on or off campus that violates local, state or federal laws may also constitute a basis for disciplinary action by the University.
25. Without appropriate prior authorization, video recording devices, including, but not limited to, cell phones equipped with a camera, may not be used on University premises or at University-sponsored events, other than in an emergency, in any area or circumstances where the recording of images reasonably would be considered to be inappropriate.
26. Strict compliance with all rules, policies and practices promulgated and/or adopted by the University is required.

Any member of the University community who violates the University's rules, policies or practices, including, among others, the Guiding Principles of Conduct, may be subject to disciplinary action (including without limitation immediate ejection from University premises and/or University-sponsored events) and/or to legal actions. Similarly, any recognized club or organization that violates its constitution and/or by-laws, or authorizes conduct prohibited by the University's rules, policies or practices may be subject to disciplinary action (including without limitation rescission of approval for that club or organization to operate on University premises or at University-sponsored events, whether on or off University premises). As may be necessary, the University may request the assistance of law enforcement agencies to maintain order and/or may seek injunctive relief.

## **DISCIPLINARY PROCEDURES AND HEARINGS**

**Summary Action:** Should the conduct of a student threaten or constitute a danger to personal safety or property, or substantially interfere with the essential tasks of the University, the student may be summarily suspended. A student may also be subject to summary suspension if, following a warning by a faculty, staff, or administrator of the University to desist, he/she continues to engage in conduct that violates the University's rules and regulations. In such cases, if necessary and appropriate, steps will be taken to eject the student from the University's premises.

If injunctive procedures are to be used or civil authority is required, the President, or in the President's absence, the Provost, and in the absence of the President or the Provost, another designated officer, shall authorize such action after consultation with faculty and student representatives to the maximum extent practicable. Summary suspension may be applied to a student's residence hall status.

In all cases involving summary action, the following procedure will be observed:

- A. The officer taking summary action shall provide notice of the student's conduct and summary action taken, to the Dean for Students for the campus at which the student is enrolled, as soon as practicable.
- B. The Dean for Students shall immediately determine whether the summary suspension shall be continued or modified pending determination of the matter. The Dean for Students may terminate

the summary action if it is determined at any time that the summary action was taken without substantial evidence to support it.

- C. Notice of termination, continuance or modification of the summary action and the substance of the disciplinary charge against the student, if any, shall be reduced to writing and forwarded to the alleged violator by the Dean for Students personally or by first class and certified mail, return receipt requested, within ten (10) days following the occurrence of the event. Said notice shall include a request that the alleged violator designate (if the matter is not resolved by an Informal Resolution Attempt), whether he/she wishes to have the charge determined by an Informal or Formal Hearing pursuant to University's Procedures for a Disciplinary Hearing.

The alleged violator shall have ten (10) days within which to contest in writing, the Dean's decision regarding continuation or modification of the summary suspension. If the Dean does not terminate the summary suspension within three (3) days following his receipt of the alleged violator's written response regarding the summary suspension and if the matter is not resolved pursuant to an Informal Resolution Attempt, the student shall be entitled upon his/her demand, to an immediate Informal or Formal Hearing of the charge, as described below. If the alleged violator fails to respond to the Dean's request regarding the choice of an Informal or Formal Hearing, the Dean may convene a Disciplinary Hearing upon the written notice sent at least ten (10) business days prior to the date of the hearing. Such notice shall either be delivered personally or sent by first class mail and certified mail, return receipt requested.

**Informal Resolution Attempt:** A good faith attempt will be made to resolve all problems informally, first, by the appropriate department. This may include informal discussions with the alleged violator and faculty members, deans or staff members involved and where appropriate, with supervisors or administrators at sequentially higher levels. If the matter is not resolved by an Informal Resolution Attempt, the alleged violator shall be requested to designate whether he/she wishes to have the charge determined by an Informal or Formal hearing pursuant to University's Procedures for a Disciplinary Hearing. Upon such designation, or upon the failure of the alleged violator to designate the type of hearing which he/she desires within ten (10) days following the University's request for same, an Informal or Formal Hearing will be implemented, as described below.

**Procedures for a Disciplinary Hearing:** The Hearing Officer may be an Assistant Director, or a Director within Student Affairs, an Assistant Dean for Students, a Dean for Students, or the Judicial and Compliance Officer.

**Notice of the Charge(s):** At least two (2) business days prior to the commencement of a Hearing, the alleged violator must receive from the complainant a written statement outlining the charge(s).

**Informal Hearing:** If the alleged violator elects to proceed by an Informal Hearing, the Hearing Officer shall, based upon his/her investigation, determine whether there was a violation of the Guiding Principles of Conduct, and any applicable disciplinary action. Such investigation may include interviews of the alleged violator and witnesses, as well as a review of written statements, and the alleged violator's student file.

**Formal Hearing:** The Hearing Officer shall convene an adversarial proceeding (the "Hearing"). The Hearing is not intended as a trial before a court of law; therefore, adherence to rules of evidence is not required. Questions relating to the competency, relevancy or materiality of evidence and the latitude in the questioning of parties involved shall be based upon the determination of the Hearing Officer as to what is just, fair and reasonable under the circumstances.

1. Responsibilities of the Hearing Officer:
  - a. To insure the procedural guidelines are followed.
  - b. To maintain proper decorum at all times. The Hearing Officer reserves the right to remove anyone who disrupts the proceedings.
  - c. The Hearing Officer, a party and/or the party's advisor, may ask questions of the witnesses.
  - d. Once the proceedings have begun, the Hearing Officer shall have no communication with a party or the party's advisor outside of the hearing except to schedule Hearing meetings.
2. Procedural Guidelines:

- a. Each of the parties or his/her advisor shall be afforded an opportunity to present an opening and closing statement.
- b. The complaining party and his/her witnesses shall be heard first.
- c. The alleged violator shall be given an opportunity to testify and present evidence and witnesses, but shall not be compelled to testify nor shall an inference be drawn from the failure to testify.
- d. Each of the parties or his/her advisor shall have an opportunity to hear and question adverse witnesses.
- e. Each party, in addition to his/her advisor, may have three observers present during the Hearing.
- f. If any party plans to have an attorney present to act as the party's advisor, the party must notify the Hearing Officer forty-eight (48) hours in advance of the session in order to allow for University Counsel to be present. If University Counsel cannot attend the prescheduled session, the Hearing Officer will set another date convenient for all parties.
- g. The decision by the Hearing Officer will be based solely upon the evidence presented at the session. The alleged violator's student file shall be deemed part of the record in evidence at the session.
- h. A finding of the Hearing Officer shall be based on a fair preponderance of credible evidence.
- i. It is the burden of the complainant to show that it is more likely than not that the alleged violator committed the violation(s) contained in the charge.
- j. If the alleged violator fails to appear at the Hearing, the Hearing Officer may, at his/her discretion, postpone to another date or, based on the record before the Hearing Officer, issue a decision as to whether there was a violation(s) as charged and, if so, impose an appropriate sanction.
- k. If the alleged violator appears, but walks out as a result of free choice, the session will continue in his/her absence. No negative inference will be made as a result of his/her departure.
- l. A tape recording of the hearing shall be made at the University's expense. The recording shall be maintained by the Hearing Officer for a period of one (1) year following the date of issuance of the finding. A party to the proceeding may obtain a written transcript or a copy of the tape recording at his/her expense.
- m. As soon as practicable following the conclusion of the Hearing, a written decision will be forwarded to all parties. The decision will be sent to the local Dean for Students for proper recording.

**Disciplinary Sanctions:** If the Hearing Officer determines that the student has committed a violation (s), a sanction will be imposed. The sanctions that may be imposed include (but are not limited to) the following:

- **Admonition**  
A verbal warning that a student's conduct is improper or violates University rules or regulations coupled with a direction to cease and desist.
- **Reprimand**  
A formal written notice that the student has engaged in improper conduct and warning that subsequent violations may result in more severe disciplinary action.
- **Restitution**  
Reimbursement by transfer of property, money or services to the University or member of the University community in an amount not in excess of the damage or loss incurred. Must be documented and applied by an appropriate Hearing Officer through the disciplinary due process. All financial transactions should be coordinated with appropriate SARs and Finance and Administration officials.
- **Fine**  
A monetary amount assessed as a penalty for improper conduct or violation of University rules and regulations. Fines for specific violations are enumerated in applicable University publications (i.e. Catalog, Student Handbook, Guide to Residence Living).
- **Educational Sanction**  
Community service or required participation in a project or activity, either within or outside the University, during a period and in a manner consistent with the nature and severity of the violation(s) as determined by the authorized University officer.
- **Restriction or Revocation of Privileges**  
Alteration, limitation or revocation of certain privileges associated with membership or participation in the University community for a specified or indefinite period of time. Examples of such privileges include but are not limited to: entering University property or facilities; use of or participation in programs, activities, events and services on or off campus; membership, election to or holding office in a club, organization or society; representing the University on a committee or in

a program or activity; operation or parking of a motor vehicle on University premises; visitation by guests; participation in recreational, intramural or varsity athletic programs; use of University technology resources, etc.

- **Probation**

Specified or indefinite period during which infraction-free conduct must be maintained coupled with a warning that subsequent improper conduct or violation of University rules or regulations may result in more severe disciplinary action including separation from residence and/or the University. [May include restriction and or revocation of privileges as described above.]

- **Suspension**

A suspended student will be temporarily deprived of all rights and privileges normally accorded an enrolled student. Separation from a residence, class or classes and/or University facilities or premises and revocation of rights and privileges is for a specified period of time between one day and a full academic year. Conditions may be placed on the student's return. Annotation of this sanction on the student's academic record is permissible in the case of separation from the University. A student may be suspended from residence and not from the University. Must be documented and applied by an appropriate Hearing Officer through the disciplinary due process.

- **Dismissal**

A dismissed student will be separated from residence or from the University community for a period of no less than one full academic year. A student may be dismissed from residence and not from the University. Annotation of dismissal from the University is permitted on the student's academic record. Conditions may be applied, and reinstatement to residence or as an enrolled student must be in the form of a petition in writing to the Dean for Students. Must be documented and applied by an appropriate Hearing Officer through the disciplinary due process.

- **Expulsion**

The most severe form of disciplinary action. An expelled student may not return to residence and/or the University. The student is permanently separated and loses all rights and privileges associated with membership in the University community. Annotation of expulsion on the student's academic record is permitted. Must be documented, and must applied by the Dean for Students or higher authority in the case of expulsion from the University or residence hall.

Factors that may be considered when determining a disciplinary sanction(s):

- Nature, scope, and severity of violation(s)
- Impact on the individual(s) involved and/or on the residence or University community
- Aggravated, intentional, repeated, or multiple violation(s)
- Disciplinary and civic history
- Acknowledgement of accountability/responsibility for improper conduct
- Remorse, cooperation

When a student is separated from the University for disciplinary or academic reasons or violation of the Academic Integrity code, prior to the end of a semester, or officially withdraws from any course or courses, regardless of the method of instruction, by filing a written notice at the SARS office, by accessing Pace University's Voice Response System, or withdraws using the SARS website, cancellation of tuition, student activity and special course fees only will be made. Please note: Application, general institution, and installment fees are non-refundable. Housing and meal plan fees are governed by the Housing Agreement. Cancellation will be made according to the Tuition Cancellation Policy Schedule shown in the respective term Class Schedule Booklet.

The University is under no obligation to delay or forego its disciplinary due process or the imposition of any disciplinary sanction pending the investigation or proceedings involving criminal or civil charges.

Disciplinary sanctions which do not restrict or revoke a student's rights or privileges or otherwise effect the student's status as enrolled; or sanctions applied as a result of informal resolution as prescribed in the Student Handbook, are non-appealable.

Nothing in the preceding guidelines should be construed as limiting or preventing in any way, the right or authority of other officials of the University to take necessary and appropriate action which effect students consistent with their stated, published, or implied role or responsibility.



A Dean for Students may take disciplinary action in cases where he/she observes a student violating rules or regulations, or the terms of a previously applied disciplinary sanction, or pending adjudication of a complaint, without obligation of following additional or parallel due process. In the case of previously applied sanctions, The Dean may also act upon the report or observation of a fellow staff member.

In the case of single, multiple or repeated violations the Hearing Officer may apply one or more sanctions of varying severity up to and including the level of his/her designated authority.

A sanction may be instituted immediately or put in abeyance pending appeal.

**Appeal Process for Disciplinary Action:** A student who is found guilty of violating a University regulation and subsequently disciplined, may request an appeal, providing this request is made in writing within five (5) regularly scheduled class days following the date the student receives notification of the Hearing Officer's decision. If the Hearing Officer was an Assistant Director, a Director, or an Assistant Dean for Students within Student Services, the appeal shall be to the Dean for Students. If the Hearing Officer was a Dean for Students, the appeal shall be to the University Judicial Compliance Officer.

## **DRUG AND ALCOHOL POLICY**

Pace University has a strong commitment to a healthy and safe environment for all members of the University community. Any use of alcohol and drugs that is illegal or violates this Policy will not be tolerated.

It is the policy of the University that the unlawful use, possession, sale, distribution, or manufacture of controlled substances and alcohol on university property or at university sponsored programs and activities are prohibited. Even though its possession or consumption may otherwise be lawful, alcohol, except in limited circumstances, is not permitted on university property or at University sponsored programs and activities.

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

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

This Policy is in compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act, and it is distributed to every student and faculty and staff member.

### ***Health Risks Of Controlled Substances And Alcohol***

The illegal use of controlled substances and alcohol and the abuse of alcohol and prescription drugs may lead to permanent health conditions including, but not limited to, disorders of the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. In addition, there may be both short-term and long-term effects on cognition, memory, retention, information processing, coordination, athletic performance, academic performance, and the exercise of judgment.

Controlled Substances. All drugs, whether illegal or prescribed, alter the chemical balance of the body. The misuse of drugs may lead to addiction and even death. Drug addiction and abuse can cause serious damage to the brain, stomach, lungs, liver, kidneys, heart, and the immune and reproductive systems. The sharing of needles is a significant factor in the spread of HIV.

Alcohol. Inappropriate use and abuse of alcohol is often associated with lower academic performance and failures, sexually transmitted diseases and unplanned pregnancies, vandalism, aggressive behaviors including

sexual assault and rape, injuries, death, and prosecution for crimes related to the consumption of alcohol. Even small amounts of alcohol may impair the ability to concentrate, as well as the judgment and coordination required to drive a car safely thus increasing the likelihood that the driver will be involved in an accident. Small to moderate amounts of alcohol may also increase the incidence of a variety of aggressive acts, including spousal and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may result in respiratory depression and even death. When used in conjunction with other depressants of the nervous system, even a small amount of alcohol can result in these effects.

Repeated use of alcohol may lead to dependence or addiction. The sudden cessation of alcohol consumption produces withdrawal symptoms such as severe anxiety, tremors, hallucinations and convulsions, and can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, may also lead to permanent damage to vital organs such as the brain and liver.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. Infants with fetal alcohol syndrome have irreversible physical abnormalities and mental retardation. Further, research shows that children of alcoholic parents are at greater risk than other children of becoming alcoholics themselves.

The possible effects of various controlled substances and alcohol, including the effects of an overdose and withdrawal, are identified in U. S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2011 Edition, a DEA Resource Guide [http://www.justice.gov/dea/docs/drugs\\_of\\_abuse\\_2011.pdf](http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf)

### ***Legal Sanctions***

Possession Of A Controlled Substance. It is a crime under federal law to knowingly or intentionally possess a controlled substance unless the possession is otherwise permitted by law, *e.g.*, the controlled substance has been obtained pursuant to a valid prescription. The penalties for the conviction of the unlawful simple possession of a controlled substance, sometimes referred to as personal use amounts, are severe. The penalty for the first conviction is up to one year imprisonment, a fine of at least \$1000, or both. The penalty for the second conviction is imprisonment for not less than 15 days but not more than 2 years and a fine of not less than \$2,500. If there have been two or more prior convictions, the penalty is a period of imprisonment between 90 days and 3 years and a minimum fine of \$5,000.

A conviction for the possession of a mixture or substance which contains a cocaine base (such as crack cocaine) is subject to even more severe penalties. The penalty for the conviction of possession of a cocaine based controlled substance is imprisonment for a period of 5 to 20 years and a fine of no less than \$1,000, provided the amount exceeds 5 grams for the first conviction, 3 grams for the second conviction, and 1 gram for each subsequent conviction.

Trafficking In Controlled Substances. It is a violation of federal law to knowingly or intentionally manufacture, distribute, or dispense, or possess with the intent to manufacture, distribute, or dispense a controlled substance. As shown on page 26, penalties for trafficking in controlled substances are considerably more severe than those for the possession of a personal use amount of a controlled substance. (U. S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2011 Edition, a DEA Resource Guide, Federal Trafficking Penalties or [http://www.justice.gov/dea/docs/drugs\\_of\\_abuse\\_2011.pdf](http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf) Page 26.) Moreover, if a person 18 years or older distributes a controlled substance to a person under 21 years of age, the penalties will be doubled for a first conviction and tripled for subsequent convictions. Similarly, penalties will be doubled for a first conviction and tripled for subsequent convictions of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or within 1000 feet of an elementary or secondary school, college or university, playground, or public housing facility, or within 100 feet of a youth center, public swimming pool, or video arcade facility.

The website of the Drug Enforcement Administration, <http://www.justice.gov/dea/index.shtml> is a useful source of information about controlled substances.

Alcohol. It is a misdemeanor to sell or give, or cause to be sold or given, any alcoholic beverage to any person under the age of 21. A person convicted of selling or giving any alcoholic beverages to someone

under age may be imprisoned for up to 1 year and fined up to \$1000. Further, no person under the age of 21 may possess an alcoholic beverage with the intent to consume it. The penalties for possession of an alcoholic beverage with the intent to consume it include a fine not exceeding \$50, completion of an alcohol awareness program, and/or community service not to exceed thirty hours.

It is a violation of New York law for a person under 21 years of age to present written evidence of age which is false, fraudulent or not his or her own, for the purpose of purchasing or attempting to purchase any alcoholic beverage. Such conduct is subject to payment of a fine of, depending on the number of prior violations, between \$50 and \$700, community service, or both, and completion of an alcohol awareness program or evaluation to determine whether the person suffers from alcoholism or alcohol abuse. Using a false or fraudulent written instrument officially issued or created by a public office or governmental instrumentality (*e.g.*, a driver's license) to procure alcohol is also a crime. The penalties include imprisonment of up to seven years and a monetary fine.

It is unlawful to drive while intoxicated, *i.e.*, blood alcohol content of .08 and higher, or "in an intoxicated condition." It is also a criminal offense for anyone to operate a motor vehicle if the person's ability to operate the vehicle is impaired by alcohol or other drugs.

A person under 21 years of age who drives a motor vehicle and whose blood alcohol content is between .02 and .07, is subject to civil sanctions of monetary penalties and fees, and revocation or suspension of his or her driver's license.

The penalties for driving while intoxicated and driving while impaired, and the penalties for drivers who are under 21 and whose blood alcohol content is between .02 and .07, may be found in Appendix C. (See Appendix C – Drivers License Penalties.)

### ***University Sanctions***

Any violation of the University's Drug and Alcohol Policy may be disciplined in accordance with the University's disciplinary procedures for students and for employees. Further, the University may refer the student or employee for criminal prosecution. Any sanction imposed by the University is independent of, and is in addition to, any penalty imposed in connection with a criminal conviction.

The sanctions that may be imposed on a student include, but are not limited to, probation, and suspension, dismissal and expulsion from University housing and/or the University. The sanctions imposed on an employee may include the termination of his or her employment.

The sanctions described below are illustrative of the range and severity of sanctions that may be imposed on a student, but they do not constitute a complete list of the possible sanctions. In determining a sanction, the University will consider the nature and severity of the violation, the impact of the transaction on the Pace community as well as on the community at large, and the student's disciplinary history.

Controlled Substances. Violations of the University's Drug and Alcohol Policy relating to the unlawful possession, use, or distribution of controlled substances, even if a first offense, are considered to be extremely serious. Such violations may result in more severe disciplinary sanctions, even if there is no harm to the student, others, or property, than if the violation related to the use of alcohol. In addition to probation, suspension, dismissal or expulsion, the student may be fined up to \$200, and referred to a drug use assessment and required to comply with any recommendations.

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

Level 1. Generally, a first violation and there is no harm to the student, others, or property. Sanctions include, but are not limited to, an admonition; a probationary period; participation in an alcohol prevention program (*e.g.*, Alcohol 101); a fine of \$100 or, in lieu of a fine, submitting to an alcohol use assessment and complying with any recommendations; and, community service.

Level 2. Generally, a repeat violation or a first violation that caused harm to the student, others, or property. Sanctions include, but are not limited to, submitting to an alcohol use assessment and complying with any recommendations; a probationary period; suspension, dismissal or expulsion from the University and/or University housing; a \$200 fine; and, community service.

Level 3. Generally, a repeat violation indicative of a pattern of inappropriate behavior including disregarding previous admonitions, or a serious first or second violation involving harm to the student, others, or property. Sanctions include, but are not limited to, suspension, dismissal or expulsion from the University and/or University housing; a probationary period; a \$300 fine; community service; and, submitting to an alcohol use assessment and complying with any recommendations.

### ***Reporting Requirements***

Any employee, including a student employee, who works in any capacity under a federal grant or contract must notify his or her immediate supervisor of his or her conviction for a violation of any criminal drug statute (including misdemeanors) occurring in the workplace no later than 5 calendar days after such conviction. This applies to direct charge employees and to indirect charge employees who perform any support or overhead functions related to the grant. The supervisor must then promptly report the conviction to the Vice President for Human Resources. Under the Drug-Free Workplace Act, the University is required by law to report the conviction to the federal funding agency within 10 days of receiving notice of the conviction from the employee or from any other source.

### ***Parental Notification***

If the University determines that a student under the age of 21 violated the Drug and Alcohol Policy, the University may disclose to a parent or legal guardian of the student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or controlled substances. If practicable, the student will be informed in advance that his or her parents or legal guardian are going to be given notice of the student's violation of the University's Drug and Alcohol Policy.

### ***Counseling and Treatment***

Students and employees who have concerns about their use of alcohol or other drugs are urged to seek assistance. Faculty and staff may obtain counseling or referrals from Human Resources (212-346-1630 in New York; 914-773-3810 in Westchester); the Pace University Employee Assistance Program, which is administered by CIGNA's Life Assistance Program (1-800-538-3543); and through the internet at <http://www.cignabehavioral.com/cgi>. The User ID is "lap" and the Password is "member". Resources for students who are seeking counseling or referrals include the Dean for Students (212-346-1306 in New York; 914-773-3351 in Westchester); Office of Residential Life (212-346-1295 in New York; 914-923-2790 in Westchester); and the Center for Student Development and Campus Activities (212-346-1590 in New York; 914-773-3767 in Westchester). Other resources available to all members of the University community include the Counseling Center (212-346-1523 in New York; 914-773-3710 in Westchester); and University Health Care (212-346-1600 in New York; 914-773-3760 in Westchester).

Organizations that provide support and assistance to individuals with substance abuse problems and to their families include:

Alcoholics Anonymous	212-870-3400
Al-Anon and Alateen	212-941-0094 (Greater New York)
Cocaine Anonymous	212-929-7300 or 212COCAINE (212-262-2463)
Covenant House Nineline	800-999-9999

Marijuana Anonymous	212-459-4423
Nar-Anon	800-984-0066
Narcotics Anonymous	212-929-6262 or 212-929-7117
Nicotine Anonymous	415-750-0328 or 877-879-6422
LIFENET Crisis Referral Hotline	800-543-3638

## **SMOKE FREE LEARNING AND WORK ENVIRONMENT**

An increasing number of studies document the health hazards of environmental tobacco smoke on both the smoker and non-smoker. In order to minimize health risks, improve the quality of air, and enhance the campus environment, Pace University has adopted a smoke-free policy.

The smoke-free policy applies to all University facilities on all campuses. This includes all meeting rooms, computer operations rooms, classrooms, offices, hallways, elevators, public or reception areas, restrooms, gymnasiums and corridors, and other common-access areas. Common-access areas of all residence halls are smoking-prohibited areas. Smoking is allowed in a dormitory room by mutual consent of its residents.

- Smoking is prohibited within 50 feet of all building main entrances.
- Smoking is prohibited in the eating facilities on all campuses.
- Smoking is prohibited in all areas where a safety hazard exists, such as storage and hazardous materials handling areas.
- Smoking is prohibited in all Pace University vehicles used for transporting employees and/or students, supplies or any other use.
- Smoking is prohibited in the Security Guard Booths.

## **REGULATION OF CONDUCT ON CAMPUSES AND COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES**

### **Section 6430—General Provisions:**

Pace University has established rules and regulations as enumerated in this Handbook and in other University publications, in compliance with the New York State Education Law and the General Municipal Law for the maintenance and enforcement of public order.

Item 11 of the Pace University Guiding Principles of Conduct expressly provides that engaging in any of the following conduct constitutes a violation of University rules and regulations and shall be considered sufficiently serious to warrant disciplinary action: “Any action or situation involving physical or mental abuse such as harassment; intimidation or hazing (defined as subjecting a person to treatment intended to put him/her in a humiliating or disconcerting position), the forced consumption of liquor, drugs or other liquid or solid substance for the purpose of initiation into or affiliation with any organization; or other conduct that recklessly or intentionally endangers or threatens the health, safety or welfare of any person, regardless of whether or not the behavior occurs on or off University premises, or University operated property or at University sponsored activities.”

Such rules and regulations shall govern the conduct of students, faculty and other staff as well as visitors, licensees, and invitees on Pace campuses, properties, and at University sponsored activities. The penalties for violations of these rules and regulations are clearly set forth in this Handbook and shall include provision for the ejection and ban of a violator from Pace University campuses. In the case of a student, staff or faculty violator, penalties may include suspension, expulsion or other appropriate disciplinary action, and in the case of an organization which authorizes such conduct, withdrawal of permission for that organization to operate on Pace University property or at any Pace sponsored activities or events on or off campus. Such penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

A copy of these rules and regulations shall be given to all students enrolled at Pace and shall be deemed to be part of the by-laws of all organizations operating on Pace campuses. Organizations agree to annually review their by-laws with individuals affiliated with such organizations.

(Compliance with Chapter 597, Article 129-A as amended; Section 6430: September 30, 2003).

### **President's Advisory Committee on Campus Security**

In 1999, in compliance with federal and state laws, Pace University established the President's Advisory Committee on Campus Security. The committee is comprised of a minimum of six members, at least half of which are female: one third of the committee are students appointed by Student Government Associations, one-third being faculty appointed by campus faculty councils, and one-third being administrators appointed by the President of Pace University.

The committee reviews current campus security policies and procedures and makes recommendations for their improvement. It specifically reviews current policies and procedures for:

- a) educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault
- b) educating the campus community about personal safety and crime prevention
- c) reporting sexual assaults and dealing with victims during investigations
- d) referring complaints to appropriate authorities
- e) counseling victims, and
- f) responding to inquiries from concerned persons

The committee reports in writing to the president on its findings and recommendations at least once each academic year; the report is available upon request.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f) and section 6433 of New York State Education Law, Pace University's campus crime statistics can be found on the Pace University Web site at <http://www.pace.edu> (select "S" from the A-Z index, then Safety and Security, then Campus Statistics).

The Presidents' Advisory Committee on Campus Security will provide upon request all campus crime statistics as reported to the United States Department of Education. (USDE) The USDE Web site for campus crime statistics is <http://securityoncampus.org>. The Pace University official charged with responsibility for collecting and reporting campus crime statistics is the executive director of Safety and Security, (914) 773-3700.

Upon request, the University shall provide a hard copy of Pace's campus crime statistics, mailed to the individual requesting the report, within 10 days of the request, and that information will include all of the statistics that the University is required to ascertain per federal law. The President's Advisory Committee, the executive director of Safety and Security, and the president will take steps to inform students and prospective students of the existence of the campus crime statistics on an annual basis and other safety policies and procedures of the University.

In compliance with section 6434 of the New York State Education Law, Pace University has implemented a plan providing for the investigation of any violent felony offense occurring at or on the premises of Pace University and providing for the investigation of a report of any missing student. These plans provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans include but are not limited to written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports.

Pace University campus crime statistics can be found at <http://www.pace.edu/general-services/safety-security/campus-statistics>.

In addition, the Pace University President's Advisory Committee on Campus Security will provide upon request all campus crime statistics as reported to the United States Department of Education. Contact Mr. Vincent Beatty, Executive Director, Safety and Security. at 914-773-3604, to request a hardcopy of the University's campus crime statistics. The United States Department of Education reports campus crime statistics at <http://ope.ed.gov/security/index.aspx>.

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

<https://www.pace.edu/security-emergency-management/services-and-resources/annual-fire-safety-and-security-report>

## **PACE UNIVERSITY FERPA POLICY**

The Family Educational Rights and Privacy Act (“FERPA”) is a federal law designed to protect the privacy of a student’s education records, establish a student’s right to access and review his or her education records, provide guidelines for the correction of inaccurate and misleading information that may be contained in those education records, and create a right to file complaints about alleged FERPA violations with the Department of Education.

Once a student reaches 18 years of age or attends a postsecondary institution, the rights created by FERPA transfer from the student’s parents to the student. These rights include:

- The right to have access to and review his or her education records maintained by the postsecondary institution.
- The right to seek amendment of his or her education records that contain inaccurate and misleading information.
- The right to limit the disclosure of personally identifiable information in his or her education record.
- The right to file a complaint about alleged FERPA violations with the Family Policy Compliance Office of the Department of Education.

FERPA protects personally identifiable information in a student’s education records. Education records are defined under FERPA as those records, files, data, video and audio tapes, handwritten notes and other material that contain information that is directly related to a student and maintained by Pace University or a party acting for the University. There are exceptions, however, to the definition of education records. For example, the term education record does not include:

- Records kept in the sole possession of the maker, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the records
- Records of the Safety and Security Department of the University.
- Records relating to a student’s employment with the University.
- Records maintained by a physician, psychiatrist, psychologist, and other health care professionals in connection with treatment of a student.
- Records created or received by the University after a student is no longer in attendance and that are not directly related to the student’s attendance at the University.
- Grades on peer-graded papers before they are collected and recorded by the instructor.

Personally identifiable information includes, but is not limited to:

- The student’s name.
- The name of the student’s parents or other family members.

- The address of the student or the student's family.
- The student's social security number or student identification number.
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
- Any information that alone, or in combination with other information, is linkable to a specific student that would allow a reasonable person who does not have knowledge of the relevant circumstances to identify the student with reasonable certainty.

### **Access to and Review of Education Records**

Under FERPA, a student has the right to have access to and review his or her education records with the exception of the following records: (i) information contained in an education record concerning students other than the student whose education record is being accessed; (ii) financial records, including any information those records contain, of the student's parents; and (iii) confidential letters and statements of recommendation placed in the student's education records after January 1, 1975 provided the student has waived his or her right to review those letters, and confidential letters and statements of recommendation placed in the student's education records before January 1, 1975 and used only for the purpose for which they were specifically intended. (In order to waive the right to review confidential letters and statements of recommendation in a student's education record, the student must submit a completed and signed *Waiver of Right to Review Confidential Letters and Statements of Recommendation* form to the Office of Student Assistance.)

Any student who wishes to access and review his or her education records must submit a dated written request to the custodian of the record, e.g., the Office of Student Assistance, a department chair, a program director, a faculty member. No later than 45 days after receiving the student's request, the custodian will make arrangements for the student to review his or her education records. A representative of the University may be present during the inspection, and the student may be required to present valid photo identification before accessing the records. Photocopies of the records are available upon request and for a fee of fifteen cents per page.

### **Amendment of Education Records**

Under FERPA, a student who believes information in his or her education records is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, has the right to request that the records be amended. The right to seek amendment of an education record does not include changes to a grade unless the grade assigned was inaccurately recorded, an opinion, or a substantive decision made by the University about the student.

To request an amendment, the student must submit a written request to the custodian of the record. The request should clearly identify the portion of the record the student seeks to have amended and specify the reasons for the requested amendment. If the custodian of the record determines the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, the custodian will amend the record and notify the student of the amendment in writing.

If the custodian determines an amendment of the student's education record is not warranted because it is not inaccurate, misleading or in violation of the student's privacy rights recognized by FERPA, the custodian will inform the student in writing of the decision not to amend and will also inform the student of his or her right to a hearing on the matter. The student's written request for a hearing must be received by the dean for students of the student's home campus within 30 calendar days of the date of the custodian's decision denying an amendment, and the hearing shall be held within a reasonable time thereafter. Within 5 business days after receiving the student's written request for a hearing, the dean for students or his or her designee will appoint a hearing officer to review the matter. The hearing officer must be a University representative with no direct interest in the outcome of the matter.

The hearing officer shall, in his or her sole discretion, determine whether, under the circumstances, the hearing should be conducted in-person or by telephone. The hearing officer shall provide the student and the custodian of the education record at issue with reasonable notice of the date, time, and place of the hearing if



it is to be in-person and the date and time if it is to be conducted by telephone. The student and the custodian shall each have the opportunity to present evidence at the hearing in support of their respective positions. The student may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney, of the student's choice.

Within a reasonable time after the hearing, the hearing officer will notify the student and the custodian of the record in writing of the hearing officer's decision. The hearing officer's decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. If the hearing officer determines the information contained in the record is inaccurate, misleading, or in violation of the student's privacy rights recognized by FERPA, the record will be amended. However, if the hearing officer determines the information is not inaccurate, misleading, or otherwise in violation of the student's privacy rights recognized by FERPA, the education record will not be amended and the student has the right to place a statement in his or her record commenting on the contested information and explaining why he or she disagrees with the hearing officer's decision.

### **Disclosure of Education Records to Third Parties**

Absent an exception under FERPA, the University must obtain a student's prior written consent before it discloses personally identifiable information from a student's education records to a third party. In order to authorize the disclosure of personally identifiable information from his or her education records to a third party, a student must complete, sign and date the *Authorization to Disclose Information from Education Records* form and submit it to the custodian of the record from which the disclosure is to be made.

FERPA provides a number of exceptions, however, that allow the University to disclose information from a student's education record without the student's consent. Circumstances under which the University may disclose personally identifiable information from a student's education records without obtaining the student's consent, include, but are not limited to, the following:

- To University officials with a legitimate educational interest in the personally identifiable information to be disclosed. A University official includes, without limitation, faculty; officers; administrators; administrative assistants and clerical staff; safety and security staff; trustees; attorneys; auditors; health care providers; members (including student members) of University-sponsored committees and disciplinary boards; student employees assisting other University officials in performing their duties and responsibilities for the University; and a contractor, volunteer or other party to whom the University has outsourced University services or functions. A University official has a legitimate educational interest in the personally identifiable information to be disclosed if the official needs to review the education record in order to fulfill his or her professional duties and responsibilities for the University.
- To officials of another school in which the student seeks or intends to enroll
- To the parents of a tax-dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- In connection with the student's request for or receipt of financial aid if the information is necessary to determine the eligibility, amount or conditions of the aid, or to enforce the terms and conditions of the aid.
- In connection with a health or safety emergency if knowledge of the personally identifiable information is necessary to protect the health or safety of the student or other individuals.
- To the parents of a student under the age of 21 at the time of disclosure, and the disclosure concerns the student's violation of a federal, state or local law or University policy regarding the use or possession of alcohol or a controlled substance, provided the University has determined the student has committed a disciplinary violation with respect to the use or possession, and the disclosure does not conflict with any state law that prohibits such disclosure.

- Directory information (see discussion below of directory information).
- To comply with a judicial order or lawfully issued subpoena.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense concerning the final results of a disciplinary hearing with respect to the alleged crime.
- The final results of a disciplinary proceeding related to a crime of violence or non-forcible sex offense may be released to any third party if the student who is the alleged perpetrator is found to have violated the University's policies. Disclosure under this exception is limited to the name of the student perpetrator, the violation committed, and any sanction imposed. The disclosure shall not include the name of any other student, including the victim or a witness, without the prior written consent of the other student.
- To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.
- To organizations conducting studies for or on behalf of the University for the purposes of administering predictive tests or student aid programs, or improving instruction.
- To accrediting organizations to carry out their accrediting functions.

### **Directory Information**

FERPA permits the University to disclose directory information to the public without obtaining the student's prior written consent. Directory information is defined by FERPA as information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The University has defined directory information more specifically as:

- Student's name
- Campus telephone number
- Campus address
- University e-mail address
- Date of birth
- College or school in which the student is enrolled
- Program and/or field of study
- Enrollment status, e.g., undergraduate or graduate student, full-time, part-time, not enrolled, graduated
- School attended immediately prior to enrolling at the University
- Dates of attendance
- Degrees and honors
- Awards received
- The weight and height of members of athletic teams

Students may “opt out” of directory information and request that directory information, as defined above, be withheld, in whole or in part, and released only with the student’s prior written authorization. Students who wish to opt-out of some or all of the directory information must complete and sign a *Request to Opt-out of Directory Information* form and submit it to the Office of Student Assistance on or before September 30 of each year. (Students who transfer to the University in the spring semester or return to the University in the spring semester after a leave of absence must submit a completed and signed *Request to Opt-out of Directory Information* form to the Office of Student Assistance on or before February 15.) Students who wish to revoke their previous request to opt-out of some or all of the directory information must submit a completed and signed *Request for Revocation of Opt-out of Directory Information* form to the Office of Student Assistance.

### **Complaints of Alleged Failures to Comply with FERPA**

A student who believes his or her FERPA rights have been violated or that the University has failed to comply with the requirements of FERPA has the right to file a complaint with the federal office that administers FERPA. Complaints should be addressed to:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Ave, SW  
Washington, DC 20202-5901  
Phone: 202-260-3887

## **AFFIRMATIVE ACTION POLICY STATEMENT**

The Affirmative Action Policy of Pace University is adopted pursuant to its commitment to the principles of equal opportunity for all minorities and women, which specifically pledges the University to a policy of non-discrimination toward any person in employment or in any of its programs because of race, color, religion, disability, national or ethnic origin, sexual orientation, age, sex or marital status. Pace University admits, and will continue to admit, qualified students of any race, color, religion, disability, national or ethnic origin, sexual orientation, age, sex or marital status, to all rights, privileges, programs and activities generally accorded or made available to students at the school. It does not, and will not discriminate on the basis of race, color, religion, disability, national or ethnic origin, sexual orientation, age, sex or marital status, in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Persons who believe that their rights or privileges have not been respected or violated under the policy may address their concerns, claims or inquiries concerning the application of Title IX and implementing regulations, as well as inquiries concerning the application of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act, to the Title IX Coordinator/Affirmative Action Officer or Assistant Secretary for Office for Civil Rights [www.ed.gov/ocr](http://www.ed.gov/ocr).

### **Bernard Dufrense**

Title IX Coordinator/Affirmative Action Officer  
163 Williams Street  
10th Floor, Room #1017  
New York, NY 10038  
NYC Campus  
Phone: 212-346-1310  
Fax: 914-989-8032  
E-Mail: [amiles@pace.edu](mailto:amiles@pace.edu)

## AIDS/HIV POLICY

The American College Health Association (ACHA), with the assistance of the American Council on Education and the Centers for Disease Control, has recommended that institutions not adopt blanket policies concerning students with Acquired Immune Deficiency Syndrome (AIDS) or AIDS Related Conditions (ARC). Instead, it suggests that the institution analyze and respond to each case as required by its own particular facts.

The following facts, according to ACHA, are derived from the best epidemiological data currently available and provide the basis for the guidelines offered by the ACHA:

- Students or employees with AIDS, ARC or a positive Human Immunodeficiency Virus (HIV) antibody test do not pose a health risk to other students or employees in an academic setting.
- AIDS is thought to be transmitted by intimate sexual contact or by exposure to contaminated blood. Although HIV can be found in many body secretions of those who are infected, its presence there is not necessarily correlated with disease transmission by those fluids.
- There has been no confirmed case of transmission of AIDS by any household, school or other causal contact.

The Public Health Service states that there is NO RISK created by living in the same house as an infected person; caring for an AIDS patient; eating food handled by an infected person; being coughed or sneezed upon by an infected person; casual kissing; or swimming in a pool with an infected person. The University adopts the following recommendations of the Public Health Service:

- a. Even though they may be asymptomatic, persons with confirmed positive HIV antibody tests may transmit infection to others through anal or vaginal sexual intercourse, the sharing of needles, and possibly, exposure to others through oral-genital contact or intimate kissing.
- b. The efficacy of condoms in preventing infection with HIV is unproven, but the consistent use of them may reduce transmission.
- c. Toothbrushes, razors and other implements that may become contaminated with blood should not be shared.
- d. Persons with AIDS, ARC, or confirmed positive HIV antibody tests should not donate blood, plasma, other body organs, other body tissues or sperm.
- e. If persons with confirmed reactive (positive) antibody tests have accidents involving bleeding, contaminated surfaces should be cleaned with household bleach freshly diluted 1:10 in water.
- f. Any student or staff member seeking medical, dental, or eye care, should advise the practitioner of their positive antibody status so that appropriate evaluation can be undertaken and precautions can be taken to prevent transmission to others.

The following guidelines of the ACHA have been adopted by the University and they are applicable to all students or employees who are known to be infected with the virus (HIV), thought to cause AIDS; this includes those who have a condition meeting the surveillance definition of AIDS itself, those who have one of the lesser manifestations of infection, such as ARC, and those who are currently healthy but have evidence, by the presence of a serum antibody to HIV, of exposure to and infection by the virus.

1. Consideration of the existence of AIDS, ARC or a positive HIV antibody test shall not be part of the initial admissions decision for those applying to attend the institution.
2. The University shall not undertake programs of screening newly admitted or current students for antibody to HIV; neither shall mandatory screening of employees be implemented.
3. Most students who have AIDS, ARC or a positive HIV antibody test, whether they are symptomatic or not, should be allowed regular classroom attendance in an unrestricted manner as long as they are physically able to attend classes.
4. There is no medical justification for restricting the access of students with AIDS, ARC or a positive HIV antibody test to student unions, theaters, restaurants, cafeterias, snack bars, gymnasiums, swimming pools, recreational facilities or other common areas.
5. The University, through seminars and distribution of materials shall provide all students, and particularly resident students and residence hall staff, with education about AIDS.
6. Neither new nor currently enrolled students are required to inform campus health authorities if they have AIDS, ARC or a positive HIV antibody test. However, students are encouraged to do so, in order for the University to provide proper medical care referrals and education.
7. Those who advise the University that they are immunologically compromised may be excused from institutional requirements for certain vaccinations, notably measles and rubella vaccines, as those vaccinations may lead to serious consequences in those with poorly functioning immune systems.
8. University health services are familiar with sources of confidential testing for the antibody to HIV, where both pre and posttest counseling are available, and can refer students or employees requesting same.
9. Decisions about residential housing of students with AIDS, ARC or a positive HIV antibody test shall be made on a case-by-case basis. The best currently available medical information does not support the existence of a risk to those sharing dormitories with infected individuals. However, in some circumstances, there may be reasonable concern for the health of those with AIDS or ARC

who might be exposed to certain contagious diseases (e.g., measles or chicken pox) in a close living situation. In such situations, if private residence hall rooms are available, the University may recommend that students with AIDS or ARC be assigned private rooms in the interest of protecting the health of those students.

10. The University has adopted safety guidelines for the handling of blood and body fluids of all students. Laboratories used in a teaching context, such as those required in biology courses, should be safe experiences. Laboratory courses requiring exposure to blood, such as finger pricks for blood typing or examination, should use disposable devices.
11. Consistent with the Family Education Rights and Privacy Act of 1974 (the “Buckley Amendment”), no specific or detailed information concerning complaints or diagnosis shall be provided to faculty, administrators, or outside persons, groups, agencies, insurers, employers, institutions or even parents, without the express written permission of the patient in each case.
12. The duty of physicians and other health care providers to protect the confidentiality of information is superseded by the necessity to protect others only in very specific, threatening circumstances. University health services must strictly observe public health reporting requirements for AIDS. The number of people in the University who are aware of the existence and/or identity of students or employees who have AIDS, ARC or a positive HIV antibody test shall be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected persons and to avoid the generation of unnecessary fear and anxiety among other students and staff.
13. The University encourages regular medical follow-up for those who have AIDS, ARC or a positive HIV antibody test.

## **PACE UNIVERSITY POLICY AND PROCEDURE - DISCRIMINATION, NON SEX-BASED<sup>1</sup> HARASSMENT AND RETALIATION**

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

All University officers, administrators, supervisors, staff, faculty members, students, visitors and applicants, as well as vendors, consultants and contractors with whom the University does business are prohibited from engaging in Discrimination, Harassment or Retaliation in violation of this Policy and Procedure.

If you believe that you have been Discriminated against or subjected to Harassment on the basis of any of the protected characteristics described in this Policy and Procedure, or if you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment or for participating in an investigation into a complaint or report of prohibited Discrimination or Harassment, you may report such incident(s) to the persons identified in the Complaint Procedure set forth below.

University officers, administrators and other employees with managerial or supervisory authority (e.g., supervisors, directors, managers, Deans, Department Chairs, etc.) - must report any Discrimination, Harassment or Retaliation that comes to their attention, regardless of whether a complaint is made. All other University staff, faculty, students or third parties who have witnessed or learned of conduct prohibited by this Policy and Procedure are strongly encouraged to promptly report it to the persons identified in the Complaint Procedure section of this Policy and Procedure.

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<sup>1</sup> This Policy and Procedure does not apply to reports of sexual assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation, and stalking, which are subject to investigation exclusively pursuant to the University’s Sex-Based Misconduct Policy and Procedure, online at <https://www.pace.edu/sites/default/files/2022-04/policy-against-discrimination-harassment-retaliation.pdf>.

The University shall take prompt and appropriate corrective action whenever instances of alleged prohibited Discrimination, Harassment and/or Retaliation come to its attention. The University is committed to investigating all instances of alleged or suspected prohibited Discrimination, Harassment and/or Retaliation, including anonymous complaints or reports from anonymous sources, even if the victim of such Discrimination, Harassment and/or Retaliation does not make a complaint, does not want the matter investigated or does not cooperate with the investigation.

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

## **DEFINITION OF DISCRIMINATION**

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

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

Prohibited Discriminatory practices include:

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

## **DEFINITION OF HARASSMENT**

**A. Harassment.** Harassment on the basis of any protected characteristics described in this Policy and Procedure is strictly prohibited by this Policy and Procedure and is a form of discrimination prohibited by various statutes including Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, Westchester County Human Rights Law and the New York City Human Rights Law. For purposes of this Policy and Procedure, Harassment is defined as physical, verbal, visual or other conduct relating to any protected characteristics described in this Policy and Procedure other than sex or gender when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status (*quid pro quo* harassment);

- submission to, or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual (quid pro quo harassment); or
- such conduct has the purpose or effect of interfering unreasonably with an individual's work or academic performance, or creating an intimidating, hostile, or offensive work or academic environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment Harassment).

This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of any protected characteristics described in this Policy and Procedure other than sex or gender.<sup>2</sup> Therefore, it makes no difference in determining whether conduct violates the Policy and Procedure, that the person accused of violating this Policy and Procedure ("Respondent") was "just joking", "teasing" or being "playful" or had an evil motive. The fact that a person does not object to the alleged Harassing conduct or does not request that the Harassing conduct stop does not mean that he/she welcomes the conduct. Harassing conduct prohibited by this Policy and Procedure includes, but is not limited to, such things as:

- making or threatening reprisals after a negative response to a request to engage in Discriminatory conduct;
- engaging in visual conduct such as leering or making obscene, taunting or threatening gestures;
- displaying suggestive, obscene or degrading material, objects, pictures, cartoons, posters;
- using visual or audio electronic devices or media (such as radio, television, telephone, social media, computers, email, etc.) to broadcast, distribute or transmit offensive statements, images or other material;
- making derogatory comments about an individual's protected characteristics; or jokes concerning protected characteristics or traits;
- Using degrading words relating to an individual's or group of individuals' protected characteristics to describe the individual(s);
- engaging in verbal or written slurs, degrading or negative stereotyping; and
- engaging in physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

Harassment is also prohibited if it involves Harassment by or of a co-worker, supervisor, officer, administrator, visitor, or person doing business with the University as defined by this Policy and Procedure. Harassment is also prohibited if it involves Harassment by or of a faculty member or student, or between students.

## **RETALIATION DEFINED**

Retaliation occurs when an adverse action is taken against an individual because the individual has engaged in an activity protected by law or this Policy and Procedure. A Retaliation claim is established if a person who engages in activity protected by law or this Policy and Procedure, suffers an adverse action in their work or learning environment and there is a causal nexus between the adverse action and the protected activity. An adverse action is one that materially affects a term or condition of an individual's employment, education, living environment or participation in a University activity or program. It includes any conduct which would deter a reasonable person from engaging in protected activity.

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<sup>2</sup> See footnote 1, *supra*, regarding the University's Sex-Based Misconduct Policy pursuant to which complaints and reports of sexual and gender-based harassment are investigated.

## **RETALIATION IS PROHIBITED**

Retaliation of any kind against an individual who makes a good faith report of unlawful Discrimination or Harassment, or who participates in an investigation into a complaint of prohibited Discrimination or Harassment, is strictly prohibited. Retaliation is prohibited regardless of whether the underlying complaint of Discrimination or Harassment is substantiated. If you believe you have been Retaliated against for making a good faith complaint of prohibited Discrimination or Harassment, or for participating in an investigation into a complaint of prohibited Discrimination or Harassment, you may immediately report such incident(s) to the persons identified in the Complaint Procedure set forth below.

## **LOCATION OF DISCRIMINATION, HARASSMENT OR RETALIATION**

This Policy and Procedure prohibits Discrimination, Harassment and Retaliation in the employment and academic environment of the University. That environment is not limited to the property boundaries of the University's campuses. The University's employment and academic environment extends throughout the United States and abroad, wherever the University's students and employees and those of third parties associated with the University participate in or support University activities and programs. Conduct and behavior at off-campus activities and programs (*e.g.*, off-campus classes or lectures, athletic events, development activities, alumni events, study abroad, etc.) are regulated by this Policy and Procedure. The relevant inquiry focuses on whether prohibited conduct had an impact or effect on the work or learning environment of persons covered by this Policy and Procedure. Therefore, the Policy and Procedure may be violated even if the prohibited conduct occurs off-campus or during an employee's, student's or third party's off-duty time.

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

The Title IX Coordinator/Affirmative Action Officer is responsible for ensuring the University's compliance with discrimination laws and for administering this Policy and Procedure. The Title IX Coordinator/Affirmative Action Officer is Bernard Dufrense. He can be reached at 163 William Street, 10th Floor or (212) 346-1310 or (914)923-22610.

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

## **COMPLAINT PROCEDURE**

This Complaint Procedure provides for (i) a prompt, appropriate and impartial investigation of any complaint of prohibited Discrimination, Harassment and/or Retaliation; (ii) appropriate disciplinary action against an individual found to have engaged in prohibited Discrimination, Harassment or Retaliation; and (iii) appropriate remedies for a victim of prohibited Discrimination, Harassment and/or Retaliation.<sup>3</sup>

The persons listed below have been designated by the University as the individuals with whom complaints or reports of Discrimination, Harassment or Retaliation prohibited by this Policy and Procedure shall be filed:

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<sup>3</sup> If a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment is determined pursuant to this Policy and Procedure to have engaged in prohibited Discrimination, Harassment or Retaliation, any suspension or termination of such faculty member will be subject to the University's Academic Dismissal Policy and Procedure.



Students:	Title IX Coordinator/Affirmative Action Officer, Campus Dean for Students, Vice President for Human Resources, University Counsel
Staff:	Title IX Coordinator/Affirmative Action Officer, Employee's Supervisor, Employee's Manager, Vice President for Human Resources, University Counsel
Faculty:	Title IX Coordinator/Affirmative Action Officer, Dean, Provost, Vice President for Human Resources, University Counsel

These persons will accept the complaint/report and refer it to the Title IX Coordinator/Affirmative Action Officer and other appropriate individuals to initiate an investigation in accordance with this Complaint Procedure.

## **THE COMPLAINT**

Complaints of prohibited Discrimination, Harassment and/or Retaliation, or reports of such conduct, may be made verbally or in writing, but persons who make a complaint claiming to be a victim ("Complainants") or other persons reporting such conduct, are strongly encouraged to file a written complaint or a written report. Written complaints should be made using the Complaint Form annexed hereto as "Appendix A." Complaints or reports should be as detailed as possible and should include the name(s) of the individual(s) involved, the name(s) of any witness(es), when and where the complained of conduct occurred, direct quotes and/or evidence (*e.g.*, notes, emails, pictures, etc.) of the complained of conduct, indirect evidence (*e.g.*, statistical information reflecting Discrimination), whether or not the conduct complained of has been reported to the University before and if so, when, to whom, and what the resolution of the previous complaint was.

If the Complainant or person reporting the alleged violation, requests confidentiality, the University will take reasonable steps to investigate and respond consistent with any such request. If the Complainant or person reporting the alleged violation, asks that the complaint or report not be pursued, or refuses to participate further in the investigation, they will be informed that their lack of participation may impede the investigation and resolution of the matter. The University shall have discretion to determine how best to proceed in investigating and responding in any such situations.

## **TIMELINESS OF COMPLAINT**

There is no statute of limitations with respect to alleged violations of this Policy and Procedure. However, Complainants or persons with knowledge of a violation are urged to report the alleged violation as soon as possible in order to permit the best possible investigation to be conducted. The availability and memory of witnesses and the availability of documentary evidence, particularly electronic evidence, may be diminished by the passage of time. University officers, administrators and employees with managerial or supervisory authority (*e.g.*, supervisors, directors, managers, Deans, Department Chairs, etc.) must report any Discrimination, Harassment or Retaliation that comes to their attention as soon as possible, regardless of whether a complaint is made.

## **PRELIMINARY DETERMINATION**

Prior to the commencement of an investigation under this Policy and Procedure, the Title IX Coordinator/Affirmative Action Officer shall make a preliminary determination as to whether the complaint or report of an alleged violation is within the scope of this Policy and Procedure (whether the complaint or report is describing facts and/or making allegations, which, if true, would constitute Discrimination or Harassment based on protected characteristics or Retaliation in violation of this Policy and Procedure). If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report is alleging sexual

assault, sexual harassment, gender-based harassment, dating violence, domestic/intimate partner violence, sexual exploitation or stalking, the complaint or report will be referred for investigation pursuant to the University's Sex-Based Misconduct Policy and Procedure. If the Title IX Coordinator/Affirmative Action Officer determines that the complaint or report of an alleged violation is not within the scope of this Policy and Procedure or the Sex-Based Misconduct Policy and Procedure, the complaint or report will be referred to appropriate University administrators for their consideration in accordance with other applicable University policies.

## **THE INVESTIGATION**

All complaints or reports of prohibited Discrimination, Harassment and Retaliation, will be promptly and appropriately investigated by the Title IX Coordinator/Affirmative Action Officer or another individual or individuals selected from a trained pool of investigators. (The individual who investigates the complaint is hereafter referred to as the "Investigator.") Investigators will advise Complainants of the availability of counseling, medical or other support services.

## **SELECTION OF THE INVESTIGATOR**

In the ordinary course, the Investigator will be the Title IX/Coordinator/Affirmative Action Officer. However, if the Title IX Coordinator/Affirmative Action Officer is unavailable or has a conflict of interest, or the University determines due to the circumstances that another Investigator should investigate the complaint or report, then the Investigator will be selected from a pool of individuals from the University who have been trained in the requirements of this Policy and Procedure, Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title IX of the Education Act Amendments of 1972 and the employment discrimination statutes. Such training, in addition to ensuring Investigators understand what constitutes Harassment, Discrimination and Retaliation, will also include the methodology for conducting investigatory interviews, gathering and summarizing evidence, writing reports and general investigatory techniques. Similarly trained individuals from outside the University, who may be attorneys, may also be selected to be the Investigator. Selection of an Investigator will be by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.<sup>4</sup>

The following Complaint Procedure Diagram identifies the persons to whom complaints will be referred and the Decision Makers and Appeal Officers who will be involved in resolving the complaint. As you can see, the identity of these persons varies depending upon whether the Respondent is a student, faculty member, other employee, or a third party. In the event there is no actual complaint from a Complainant, the University will nonetheless address any report of a violation of this Policy and Procedure by making a reasonable effort to follow the steps contained in the Complaint Procedure Diagram.

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<sup>4</sup> In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will select the Investigator, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

**Complaint Procedure Diagram:**

<b>Respondent</b>	<b>Complaint Intake Person</b>	<b>Investigator</b>	<b>Decision Maker</b>	<b>Appeal Officer</b>
Faculty Member	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Dean</li> <li>• Provost</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or another Investigator From Trained Pool	Provost (with prior opportunity for comment/recommendation from the Faculty Review Committee)	President
Student	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Campus Dean for Students</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or another Investigator From Trained Pool	Campus Dean for Students for the campus other than where the incident occurred	Provost
Staff	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Employee’s Supervisor</li> <li>• Employee’s Manager</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or another Investigator From Trained Pool	Vice President for Human Resources	Chief Administrative Officer
Third Party	<ul style="list-style-type: none"> <li>• Title IX Coordinator/Affirmative Action Officer</li> <li>• Vice President for Human Resources</li> <li>• University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or another Investigator From Trained Pool	Chief Administrative Officer	Chief Financial Officer

**Complaint Procedure Diagram**

<b>Respondent</b>	<b>Complaint Intake Person</b>	<b>Investigator</b>	<b>Decision Maker</b>	<b>Appeal Officer</b>
President or Senior Executives who report to him/her	<ul style="list-style-type: none"> <li>Title IX Coordinator/Affirmative Action Officer</li> <li>Vice President for Human Resources</li> <li>University Counsel</li> </ul>	Title IX Coordinator/Affirmative Action Officer or another Investigator From Trained Pool	Executive Committee of Board of Trustees (with the recusal of the President and Chair of the Board of Trustees)	Chair of the Board of Trustees

**OBJECTIONS TO THE INVESTIGATOR, DECISION MAKER OR APPEAL OFFICER**

The Complainant or Respondent may object to the participation of the particular Investigator, a member of the Faculty Review Committee (defined on page 11 of this Policy and Procedure), the Decision Maker or Appeal Officer based on a conflict of interest or other facts suggesting that that the Investigator, Faculty Review Committee member, Decision Maker, or Appeal Officer is unable to fulfill his or her responsibilities in an impartial manner. Such objection must be made in writing to the Title IX Coordinator/Affirmative Action Officer prior to any recommendation or decision being issued by the person and in no event, later than two calendar days after the Respondent or Complainant, if any, learn the identity of the person or persons who will be serving in these roles. In all cases except when the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the Chief Administrative Officer, who will evaluate the objection and, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, decide whether to uphold or deny the objection. If the objection is upheld, appropriate replacement or replacements will be selected by the Chief Administrative Officer in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.<sup>5</sup> If the objection is to a member of the Faculty Review Committee, the Title IX Coordinator/Affirmative Action Officer will refer the objection to the appropriate Location Faculty Grievance Committee.

The Location Faculty Grievance Committee, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel, shall determine whether to uphold or deny the objection, and if the objection is upheld, select an appropriate alternate Faculty Review Committee member. The Chief Administrative Officer and the Location Faculty Grievance Committee shall set forth the reasons for their objection determinations in writing, which they shall transmit to the Complainant, the Respondent and the Title IX Coordinator/Affirmative Action Officer.

**CONDUCT OF THE INVESTIGATION**

During the course of the investigation, the Complainant and the Respondent shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s), provide the names of witnesses and any other evidence. Investigators shall determine who is present during the interviews. The Respondent will have no right to directly question any witnesses, including the Complainant, or to be present during such questioning. Attorneys or other representatives for a Complainant, Respondent or witness will not, as a general rule, be allowed to attend investigatory interviews. As part of their investigation, Investigators will

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<sup>5</sup> In the event that the Chief Administrative Officer has a conflict of interest, another appropriate University Administrator will determine the objection and select an appropriate replacement or replacements, in consultation with the Title IX Coordinator/Affirmative Action Officer and University Counsel.

also confer with the Title IX Coordinator/Affirmative Action Officer, the Vice President for Human Resources and University Counsel to determine whether the Respondent has been the subject of any previous complaints, reports or investigations and whether the Complainant has made previous complaints or reports of prohibited Discrimination, Harassment or Retaliation. The University will take immediate action as it deems necessary and appropriate, while investigating the complaint, to ensure there is no further Discrimination, Harassment or Retaliation. All members of the University Community are urged to cooperate with this Complaint Procedure and any investigation being conducted by the University into a complaint of prohibited Discrimination, Harassment or Retaliation. A failure to do so may impede the investigation and may result in unfortunate consequences such as adverse inferences being drawn, decisions being made based on the limited information available and, for university employees who refuse to cooperate, possible discipline up to and including discharge being imposed.

## **CONFIDENTIALITY**

The University shall keep all complaints of prohibited Discrimination, Harassment and/or Retaliation, and the investigation into such complaints, confidential to the extent reasonably possible consistent with the law and the University's obligation to conduct an appropriate investigation. In the event the information concerning the allegations becomes public, the University may respond or comment in a manner that it deems appropriate.

## **INVESTIGATOR'S REPORT**

Following the completion of the investigation, the Investigator shall promptly prepare a written report of the investigation ("Investigation Report") that contains the following:

- a copy of any written complaint filed by the Complainant and if none was filed by the Complainant, then a written summary of the complaint or report prepared by the investigator.
- a copy of any document reviewed by the Investigator in connection with the investigation.
- to the extent known by the Investigator, the name(s) of the Complainant(s), the name(s) of the Respondent(s), the name of every person interviewed by the Investigator in connection with the investigation and the name of any persons presented by the parties as witnesses and a summary of any evidence provided.
- the name of each individual the Investigator attempted to interview but did not interview in connection with the investigation, the attempts that the Investigator made to interview such individual(s), and the reason(s) why such individual(s) was not interviewed.
- a summary of each interview conducted by the Investigator in connection with the investigation;
- a list of the relevant facts that the Investigator found during the investigation.
- a recommendation based on the evidence obtained by and available to the Investigator as to whether or not the complaint alleging a violation of the Policy and Procedure is substantiated or unsubstantiated using a preponderance of the evidence standard<sup>6</sup>;
- a description of any prior complaints made against the Respondent and/or by the Complainant, the resolution of any prior complaints, whether any information from the previous complaints was relied upon by the Investigator in making any findings of fact or recommendations in the report<sup>7</sup>;

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<sup>6</sup> A preponderance of the evidence means to prove that something is more likely so than not so and does not require proof to an absolute certainty or beyond a reasonable doubt.

<sup>7</sup> Notwithstanding the existence of a prior complaint or complaints, a determination as to whether this Policy has been violated in a given situation will be based on the information obtained during the Investigation into that specific situation. However, if the Respondent is found to have engaged in such prohibited conduct in the current case, then previous determinations of Discrimination, Harassment and/or Retaliation may be

- a recommendation as to what, if any, remedial measure(s) (e.g., Harassment training, etc.) should be taken in light of the complaint and/or factual determination; and
- a recommendation as to what, if any, disciplinary measure(s), including suspension or termination, should be taken against the Respondent.

Upon completion of the Investigation Report, the Investigator shall forward it (including the findings of fact and recommendations) to the appropriate Decision Maker listed in the Complaint Procedure Diagram, or his/her designee. The time needed to complete an investigation will vary based upon several factors, including the complexity, severity and extent of the allegations. It is expected most investigations will be completed within twenty-one calendar days and only rarely will the investigation exceed forty-five calendar days.<sup>8</sup>

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

## **THE DECISION**

Within seven days of receiving the Investigation Report from the Investigator, the Decision Maker shall issue a written Decision (setting forth the basis therefor), which, in whole or in part: (i) accepts the recommendations contained in the Investigation Report; or (ii) rejects the recommendations in the Investigation Report. In making the Decision, the Decision Maker shall accept the Findings of Fact made by the Investigator if they are substantially supported by the evidence. If such Findings or Fact are not substantially supported by the evidence, the Decision Maker may reverse the Findings of Fact, modify them or remand the investigation to the Investigator or another Investigator for further action consistent with the Decision Maker's Decision. The Decision Maker shall promptly, no later than two calendar days, forward the Decision to the Investigator, the Respondent and Complainant, if any, and the Faculty Review Committee if the Complainant or Respondent is a faculty member. In addition, the Decision Maker shall forward the Decision to any University officials the Decision Maker believes should be made aware of the Decision.<sup>9</sup>

## **APPEALS**

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

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considered by the Investigator, Faculty Review Committee, Decision Maker and Appeal Officer, with respect to the severity of remedial/disciplinary action in the current case.

<sup>8</sup> Circumstances may arise that require time periods to be extended for good cause. When such circumstances arise, the Complainant and Respondent will be informed.

<sup>9</sup> If the Alleged Wrongdoer is a faculty member, the Decision Maker shall not issue a decision until after the earlier of his or her receipt of the Faculty Review Committee's comments/recommendations or the expiration of the five calendar day Faculty Review Committee Investigation Report comment period. If the Decision Maker or Appeals Officer remands such investigation to the Investigator or another Investigator for further action, upon completion of the revised Investigation Report, the Investigator shall deliver the revised Investigation Report to the Faculty Review Committee, which shall have a new five calendar day period within which to provide their comments/recommendations with respect to such revised Investigation Report and forward it to the Decision Maker.

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

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

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

Within five business days of receiving a timely appeal, the appropriate Appeal Officer shall request that the Investigator forward to the Appeal Officer: (i) the Investigation Report and investigative file; (ii) the Decision made by the Decision Maker; and (iii) the Investigator's written communications to the Complainant and Respondent informing each of the outcome of the investigation. Upon receiving such a request, the Investigator shall promptly forward these documents to the Appeal Officer. Upon receiving these documents, the Appeal Officer shall decide the appeal, with the burden on the appealing party to prove one or more of the limited grounds for appeal by a preponderance of the evidence. The Appeal Officer shall have discretion to stay implementation of the Decision while the appeal is pending. The Appeal Officer shall issue a written appeal decision within five days following receipt of the material from the Investigator and transmit the decision to the Investigator, the Decision Maker, the Complainant, if any, and the Respondent. The Appeal Officer may affirm the decision in whole or in part, modify the decision, reverse the decision, or send it back to the Investigator or Decision Maker for further investigation and/or consideration. In addition, the Appeal Officer shall forward the appeal decision to any University officials the Appeal Officer believes should be made aware of the appeal decision. Unless the Appeal Officer sends the decision back for further investigation, the Appeal Officer's decision is final. When a decision is sent back to the Investigator for further investigation, the Investigator shall issue a revised Investigative Report, and the Decision Maker will consider the new information and render a new decision. The parties will then have an opportunity to appeal that decision in accordance with the procedure set forth above.

## **MISCELLANEOUS PROVISIONS**

- All time periods may be extended by the University for good cause shown.
- In the event the allegations of Discrimination, Harassment or Retaliation are involved with other violations of university policies, the University reserves the right to select the process or processes to be used to determine all charges that arise out of the same incidents and/or allegations and whether any overlapping procedures are to be utilized sequentially, simultaneously or not at all. In the event a criminal investigation is also being conducted into events that are the subject of an investigation under this Policy and Procedure, it will not delay the University's investigation into the same matter. However, the University may decide to coordinate its investigation with evidence being gathered during the criminal investigation.

- The Title IX Coordinator/Affirmative Action Officer will also serve as the centralized record keeper of records concerning complaints and investigations and will ensure that Investigators and Decision Makers under this Policy and Procedure are made aware of prior complaints and investigations involving Respondents. Additional records concerning complaints and investigations may also be maintained by the Vice President for Human Resources and University Counsel.
- Students may utilize this Complaint procedure and/or they may complain directly to the Office of Civil Rights of the Department of Health and Human Services. Their website is [WWW.HHS.gov](http://WWW.HHS.gov).
- At any time after a complaint is made, the University, Complainant and Respondent may decide an attempt should be made to informally resolve the complaint through informal methods such as mediation.
- The President or his or her designee may take steps that he or she may deem necessary and appropriate, on an interim basis during the pendency of an investigation or appeal, to protect the Complainant, the Respondent, or any other member(s) of the University community, and/or to protect the interests of the University. Such steps may include actions intended to separate individuals or minimize contact between them such as allowing students to change academic or living situations, temporarily transferring or suspending students, staff or faculty, or any other action deemed necessary and appropriate.
- Any suspension or termination of a tenured faculty member or full-time non-tenured faculty member prior to expiration of a contract of appointment will be subject to the University's Academic Dismissal Policy and Procedure.

All questions about this Policy and Procedure should be directed to the Title IX Coordinator/Affirmative Action Officer or University Counsel.

## RECORDS DISCLOSURE

Disciplinary proceedings conducted by the University are subject to the Family Educational Rights and Privacy Act (FERPA), a federal law governing the privacy of student 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: <http://www.pace.edu/osa/student-records/pace-university-ferpa-policy>.

## EXAMPLE OF COMPLAINT FORM

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

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

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

Description of Incident(s) (attach additional sheets if necessary): \_\_\_\_\_  
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Name(s) of Witnesses(es), if any: \_\_\_\_\_

Has the incident(s) been reported before?  Yes  No  
If yes, when, to whom, and what was the resolution? \_\_\_\_\_

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

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Complaint Received By: \_\_\_\_\_  
Name/Signature, Title Date

**EXAMPLE OF ACKNOWLEDGMENT OF RECEIPT OF PACE UNIVERSITY’S POLICY AND PROCEDURE - DISCRIMINATION, NON SEX-BASED HARASSMENT AND RETALIATION**

By my signature below, I acknowledge that I have received a copy of Pace University’s Policy and Procedure - Discrimination, Non Sex-Based Harassment and Retaliation. I agree to read this Policy and Procedure thoroughly, and if I do not understand any aspect of this Policy I will seek clarification from \_\_\_\_\_.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **HATE/BIAS-RELATED CRIME POLICY - POLICY STATEMENT:**

The New York State Legislature found and determined that "criminal acts involving violence, intimidation, and destruction of property based upon bias and prejudice" have become more prevalent in New York State in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as "hate crimes," victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable, physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the groups to which the victims belong. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to a healthy democratic process. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them.

Pace University's Guiding Principles of Conduct clearly and unequivocally states that "membership in the University community is accompanied by the responsibility to maintain and foster an environment characterized by freedom of expression, inquiry and exchange of ideas and respect for the dignity and uniqueness of each individual." In addition, the University has established standards of behavior to ensure the safety of all members of the University community. The commission of a crime of violence, intimidation, or destruction of property by a member of the Pace community is unacceptable. The commission of such a crime out of bias or prejudice is repugnant and will not be tolerated. The University, through its discrimination, sex-based misconduct, disciplinary or employment policies, procedures and practices and/or by referral to local law enforcement officials, will seek appropriate redress including criminal prosecution against any student, staff, or faculty member who violates this policy. The University will also refer to local law enforcement officials, violations of this policy by contractor and vendor personnel, licensees, invitees and visitors, and reserves the right to eject and or bar those violators from University premises and activities.

Definition: Under the New York State Hate Crimes Act of 2000 (codified as Article 485 of the New York State Penal Law), a person commits a hate crime when he or she commits an offense specified in the Act and either:

- A.** intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- B.** intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

Copies of applicable current University policies and procedures; applicable federal, state, and local laws as well as applicable regulations concerning hate crimes; and the penalties under New York State law for commission of hate crimes are available in the offices of Security, the Affirmative Action Officer, the Dean for Students, Student Affairs, Human Resources, and the Counseling Center on each campus. These offices offer brochures, workshops, and seminars to educate the campus community. From time to time, special notices and articles are also posted, distributed or appear in student newspapers and other University publications.

## **HATE/BIAS RELATED CRIME REPORTING**

There are numerous ways available within the University to report a hate/bias-related crime. Hate/Bias crimes may be reported to the Affirmative Action Officer (AAO), who is the University official delegated with responsibility to investigate all reports of discrimination within the University.

The AAO, Arletha (Lisa) Miles, has an office in New York City (212) 346-1310 or amiles@pace.edu located at 163 William St., 10th Floor, Room 2017, New York, New York 10038; and can be reached in Westchester at (914) 923-2610. All crimes, including hate/bias-related crimes, may be reported to the Campus Security

Office, Dean for Students, Office of Multicultural Affairs (New York City) or Diversity Programs (Westchester) or the Human Resources Offices. All crime emergencies on campus may be reported to the Pace Campus Security via the Intra University Emergency Phone, extension 777.

If you are unsure as to whether a hate/bias-related crime may have occurred, or desire to speak with someone confidentially, you may contact the Counseling Centers in New York City (212) 346-1526 or Westchester (914) 773-3710.

The University is required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f), to report all hate/bias-related crimes to the United States Department of Education as part of its annual crime statistics reporting. You can find these statistics on the Pace University website at [www.pace.edu](http://www.pace.edu) (select "S" from the A–Z index, Safety and Security, Campus Statistics). When a hate/bias-related crime occurs on campus, the University community will be notified at the time and in the manner described in the section on Safety and Security, Crime Reporting, which is in this handbook.

## **PROCEDURES FOR HANDLING HATE/BIAS-RELATED CRIMES**

Complaints involving hate/bias-related crimes may be initiated as appropriate, through the University Policy and Procedure Non Sex-Based Discrimination, Harassment and Retaliation: <https://www.pace.edu/sites/default/files/2021-10/sex-based-and-non-sex-based-misconduct-policy.pdf>, University Sex-Based Misconduct Policy and Procedure: <https://www.pace.edu/sites/default/files/2022-04/policy-against-discrimination-harassment-retaliation.pdf>, or the University Disciplinary Procedures: <https://www.pace.edu/student-handbook/university-policies-disciplinary-and-grievance-procedures>, which are described in the handbook. Complaints involving faculty or staff should be initiated through the AAO [see above] or the Human Resource Office. Any complaint involving a bias-related crime may be made directly to local law enforcement agencies.

## **PENALTIES FOR COMMISSION OF A HATE/BIAS-RELATED CRIME**

Internal University sanctions against a student, student group or organization can include a wide range of penalties as enumerated in the handbook including actions such as warning, restitution, probation, and up to and including expulsion (permanent separation) from the University.

Penalties against faculty and staff are determined through established employment practices and may include up to termination.

In addition, the New York State Hate Crimes Act of 2000 revised the State Penal Law to impose criminal penalties for hate crimes. Such penalties include incarceration.

## **HATE/BIAS-RELATED CRIME PREVENTION INFORMATION**

Pace University is intent on insuring a safe and secure environment, free from bias and prejudice for all its community members. The University provides to new students each year, information on bias-related crime, alcohol and drug use, Sex-Based Misconduct (including sexual harassment and sexual assault), and general crime prevention through various means including orientations, this handbook, and in other relevant publications and brochures. The University also provides information and encourages discussion of these and related topics through workshops, seminars, discussion groups, media presentations, and a wide variety of activities, events, and programs sponsored by the University departments and student organizations. Students are also exposed to these issues through the curriculum of University 101, the required extended orientation course taken by all freshmen. Counseling and Support Victims and/or witnesses to hate/bias-related crimes may obtain counseling and support from the University Counseling Center, University offices of Multicultural Affairs or Diversity Programs, or the Dean for Students. Faculty and staff may seek counseling and support through the University Employee Assistance Program. The above policy, information and procedures are in compliance with the New York State Hate Crimes Act of 2000 and section 6436 of the New York State Education Law.