



# POLICY AND PROCEDURE FOR TRANSCRIPT NOTATION

## Per New York Education Law 129-B

On July 7, 2015 Governor Cuomo signed into law Article 129-B of the New York State Education Law, commonly known as “Enough is Enough”. This law affects all colleges and universities in New York State, and mandates how institutions must respond to and resolve reports of sexual assault, domestic violence, dating violence, and stalking. Listed below is an explanation of how LIBI complies with Article 129-B with regard to transcript notations.

The legislation can be found here: <http://legislation.nysenate.gov/pdf/bills/2015/S5965>

Conduct charges are considered “pending” when the college informs the student in writing that the student is facing an inquiry into alleged violation(s) of the student conduct. Once a student is found responsible (or admits responsibility) for violations of the Student Code of Conduct involving sexual assault, domestic violence, dating violence, stalking, or Clery crimes of violence, sanctions will include transcript notations.

### TRANSCRIPT NOTATION POLICY FOR VIOLENT CRIMES

Pursuant to Article 129-B §6444.6 of the New York State Education Law, if a student is found responsible through the college’s conduct process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII) (“Clery crimes of violence”\*), the Provost will direct that a notation be placed on the student’s transcript.

- Where the sanction is a suspension, the following notation will be listed: “SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION.”
- Where the sanction is expulsion, the following notation will be listed: “EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION.”

If a student respondent withdraws from LIBI, while such institutional conduct charges are pending for allegation(s) related to Clery crimes of violence, including sexual assault, domestic violence, dating violence and stalking, and the student declines to complete the student conduct process, the Provost will direct that the following notation be placed on the student’s transcript: “WITHDREW WITH CONDUCT CHARGES PENDING.”

**If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.**

### APPEALS

Procedures for appealing Transcript Notations are listed below. Please note that Notations for expulsion shall not be removed.

### APPEALS FOR SUSPENSIONS

A student whose transcript states “**Suspended after a finding of responsibility for a code of conduct violation**” may appeal in writing to the Provost to have the notification removed. The student may appeal for the removal of the transcript notation one year after the conclusion of the suspension.

Before submitting the appeal students should make sure that:

- One year has passed since the conclusion of the suspension;
- The term of suspension has been completed and any conditions thereof have been met; and
- The Title IX Coordinator has determined that the student is once again “in good standing” with all applicable standards.

A written appeal should be addressed to:

Provost S. Johnson  
136-18 39th Avenue  
Flushing, NY 11354  
Email: [sjohnson@libi.edu](mailto:sjohnson@libi.edu)

### APPEAL FOR EXPULSIONS

A student whose transcript states “EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION” may not appeal the notation. **Appeals will not be granted for expulsions.**

\* “Crimes of violence,” including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), are:

- Aggravated assault
- Arson
- Burglary
- Manslaughter
- Motor vehicle theft
- Murder
- Robbery
- Sex offenses, forcible or non-forcible (*Forcible*: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling. *Non-forcible*: incest, statutory rape per New York State Law)