



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.

KEY DEFINITIONS

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.

“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:

- Murder
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Manslaughter
- Arson
- 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)

SEX OFFENSES

- **Domestic Violence** - A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or; By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for the person's safety or the safety of others; or Suffer substantial emotional distress.
- **Course of Conduct** - Two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person or interferes with a person's property.
- **Substantial Emotional Distress** - Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

PROCEDURE

The Title IX Coordinator 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 college conduct charges are pending for allegation(s) related to Clery crimes of violence and the student declines to complete the student conduct process, the Title IX Coordinator will direct that the following notation be placed on the student's transcript: "withdrew with pending disciplinary action".

- Those students who withdraw from LIBI and decline to complete the student conduct process forfeit any right to resume the conduct proceedings at any point in the future.
- Conduct charges are considered "pending" once a student is informed in writing that there are allegations that the student may have violated LIBI's code of conduct.

VACATING A FINDING OF RESPONSIBILITY

- If definitive proof a student respondent's non-responsibility can be determined, any such transcript notification shall be removed. Only definitive proof can vacate a finding a responsibility. A not-guilty verdict in a criminal court is not, in itself, definitive proof of non-responsibility, nor is a failure to prosecute. If there is a student complainant in the underlying conduct process, LIBI will notify the student complainant, and the student complainant will have an opportunity to be heard if a respondent provides definitive proof resulting in vacating a responsibility determination.

FURTHER APPEALS

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. Appeals may be granted provided that:

- One year has passed since the conclusion of the suspension;
- The terms of suspension were completed and any conditions thereof were met;
- Upon the recommendation of the Title IX Coordinator and appropriate administrators, the student is determined to once again be “in good standing” with all applicable college policies and academic and non-academic standards.

A student whose transcript states “Expelled after a finding of responsibility for a code of conduct violation” or “Withdrew with conduct charges pending” is ineligible to appeal to have the notation removed.

Absent any vacating of a finding of responsibility, students who withdrew with conduct charges pending are ineligible for readmission to LIBI.

The Registrar will make additional notations on students’ transcript indicating the following:

- Disciplinary expulsion, effective
- Disciplinary suspension, effective
- Disciplinary probation (listed under each term where it was in place)

For more information see:

- [College Catalog](#) (Appendix J)
- [Student Handbook](#)
- [VAWA informational pamphlet](#)