

Registrar's Policy and Procedure for Transcript Notation per New York Education Law 129-B	DATE: October 5, 2015
Access: Public	Position responsible for coordinating compliance: Registrar

Policy

Niagara University shall abide by the requirements of Article 129-B with regard to transcript notation.

Transcript Notation: Law

*For 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)[see definitions below], institutions shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.*

Appeal of transcript notation: Law

Appeals of permanent transcript notation shall be made per the governing regulations of FERPA, as set forth below:

**§99.20 How can a parent or eligible student request amendment of the student's education records?**

*(a) If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the*

*student's rights of privacy, he or she may ask the educational agency or institution to amend the record.*

*(b) The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request.*

*(c) If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing under §99.21.*

*(Authority: 20 U.S.C. 1232g(a)(2))*

*[53 FR 11943, Apr. 11, 1988; 53 FR 19368, May 27, 1988, as amended at 61 FR 59296, Nov. 21, 1996]*

**§99.21 Under what conditions does a parent or eligible student have the right to a hearing?**

*(a) An educational agency or institution shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.*

*(b)(1) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:*

*(i) Amend the record accordingly; and*

*(ii) Inform the parent or eligible student of the amendment in writing.*

*(2) If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.*

*(c) If an educational agency or institution places a statement in the education records of a student under paragraph (b)(2) of this section, the agency or institution shall:*

*(1) Maintain the statement with the contested part of the record for as long as the record is maintained; and*

*(2) Disclose the statement whenever it discloses the portion of the record to which the statement relates.*

*(Authority: 20 U.S.C. 1232g(a)(2))*

*[53 FR 11943, Apr. 11, 1988, as amended at 61 FR 59296, Nov. 21, 1996]*

**§99.22 What minimum requirements exist for the conduct of a hearing?**

*The hearing required by §99.21 must meet, at a minimum, the following requirements:*

*(a) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.*

*(b) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.*

*(c) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.*

*(d) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under §99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.*

*(e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.*

*(f) The 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.*

Procedure

Position	Action
Dean of Students	Transmits final determination of suspension or expulsion for 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) or early

	withdrawal prior to a resolution of such a charge, to Registrar.
Registrar	Effects notation per this policy and NY Education Law 129-B.
Student	May appeal notation per the above-listed FERPA provisions; such appeal shall be confined to clerical errors in notation, not conduct system findings.
Assistant Vice President for Enrollment Management (or designee)	Evaluates appeals

#### Definitions

“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:

- (I) murder
- (II) sex offenses, forcible or non-forcible (Forcible: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, non-forcible: incant, statutory rape per NY law)
- (III) robbery
- (IV) aggravated assault
- (V) burglary
- (VI) motor vehicle theft
- (VII) manslaughter
- (VIII) arson