

The City University of New York

Office of the General Counsel and Vice Chancellor for Legal Affairs

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Robert E. Diaz
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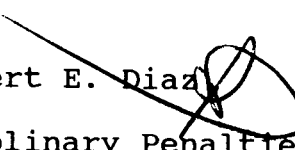
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STUDENT ADVISORY MEMORANDUM #16

March 1, 1994

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: University-Wide Disciplinary Penalties
(Expulsions and Suspensions)

I write to advise you regarding the student disciplinary penalties of expulsion (dismissal) and suspension for greater than one term (semester), and of the procedures to be followed when these penalties are imposed. Student disciplinary actions taken at one CUNY college, do not affect the admission decisions made at the other CUNY colleges, except where the action of the college disciplinary committee may be appealed to a committee of the Board of Trustees. Board Bylaw Section 15.4 provides for an appeal to a Board committee only from a "decision of dismissal or suspension for more than one term."

If a college dismisses or suspends a student for more than one term, the disciplinary penalty is a University-wide sanction. Under the Federal Education Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment) and the University's Student Records Access Policy, it is permissible for the names of students who have been dismissed, or suspended for more than one term, to be circulated among University and college personnel necessary to ensure that the affected students are not permitted to enroll at any of the CUNY colleges. These administrators have a "legitimate administrative interest."

Colleges should take the following steps when a student is expelled or suspended for more than one semester:

1. When a disciplinary hearing results in a penalty of expulsion or suspension for more than one term, the decision of the disciplinary panel should state that the

penalty is effective University-wide and will bar admission to any other CUNY college. The decision should also inform the student of his/her rights of appeal;

2. When the disciplinary charges are resolved through a settlement agreement with the acceptance of a penalty of expulsion or suspension for more than one term, the agreement should explicitly state that the penalty is effective at all CUNY colleges; and

3. If the disciplinary process results in a student being expelled or suspended for more than one term, the Chief Student Affairs Administrator should transmit this information to the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs will transmit this information to the University and college admissions personnel to ensure University-wide implementation of the penalty.

I have attached language which should be included in all decisions of a faculty-student disciplinary committee where the committee has recommended a penalty of expulsion or a suspension greater than a semester.

Encl.

c: Cabinet
Chief Student Affairs Administrators
Legal Affairs Designees
Secretary to the Board

H:SAM#16.MS/iv

ATTACHMENT TO
STUDENT ADVISORY MEMORANDUM NO. 16

Your disciplinary suspension is effective University-wide. You are barred from enrolling in any City University of New York campus during the period of suspension or expulsion.

This disciplinary penalty may be appealed to the college president, and then to the Board of Trustees Committee on Student Affairs. If you wish to appeal to the college president, you must file an appeal with the college president within 15 days after the delivery of this decision. If you then wish to appeal the decision of the college president to the Board of Trustees Committee on Student Affairs, you must file your appeal with the Secretary of the Board of Trustees at The City University of New York, 535 East 80th Street, New York, New York 10021, within 15 days after the delivery of the decision of the college president.