STATE OF NEW YORK
SUPREME COURT : COUNTY OF ALBANY

JOHN DOE,

Petitioner,

v.

ALBANY LAW SCHOOL OF UNION UNIVERSITY,

Respondent.

VERIFIED PETITION

(Hybrid CPLR Article 78 / Declaratory Judgment Action)

PRELIMINARY STATEMENT

1. This proceeding arises out of a student disciplinary matter that ceased to be a disciplinary process at all and instead became a vehicle for institutional appeasement of an out-of-control professor in direct contravention of Albany Law School's own written rules and federally mandated confidentiality obligations.

2. Petitioner, a second-year law student, endured thirty minutes of racially charged invective, abuse, and bullying from a law professor on the first day of class. When the insults turned personal, he left the class and proceeded to the law school's administrative offices to lodge a complaint. Ignoring Petitioner's complaint, the law school instead tipped off the professor, who brought a retaliatory disciplinary charge against Petitioner. Thereafter, operating entirely outside the procedures set forth in the school's written disciplinary code and in violation of FERPA, the law school's dean met personally with the school's Black Law Students Association and its DEI dean to elicit their opinions on Petitioner's guilt, then communicated those opinions with her approval to the disciplinary panel chaired by her husband. When the

chair announced that Petitioner would be found guilty of the charges, Petitioner was forced into a settlement stipulation with the law school to protect his academic standing and legal career.

3. Petitioner does not ask this Court to unwind or disturb the stipulated settlement of the disciplinary matter reached on October 23, 2025, or to restore the parties to some earlier procedural moment. Petitioner accepted a resolution of the disciplinary proceeding pending against him because it was the only way to avoid catastrophic academic and professional harm caused by a process that had already been irrevocably tainted by his law school. That acceptance does not cleanse the process that preceded it, nor does it immunize Albany Law School from judicial scrutiny for the systemic procedural violations that forced that result.

4. This Court is asked to examine whether Albany Law School — having published a detailed disciplinary code (Chapter X, Residential and Flex JD Student Handbook 2024-25), having bound itself to FERPA-derived confidentiality standards, and having promised neutrality, due process, fairness, and expediency in its disciplinary process — was free to abandon those commitments when doing so became politically convenient.

5. Because, as the record demonstrates, Albany Law School did exactly that. Senior administrators with no role whatsoever in the Chapter X process injected themselves into a confidential disciplinary investigation with the goal of steering its outcome. Through their efforts, a student advocacy group was invited to comment on a private and confidential disciplinary matter along racial lines. The complaining witness was permitted to dictate the timing, sequencing, scope, focus, and tone of the investigation. A DEI dean was allowed to participate in and influence the investigation. Advocacy material procured through confidentiality breaches was injected into the evidentiary record. Charges were escalated without notice. Guilt was determined without benefit of a hearing. And, in violation of the written

conflict-of-interest policies adopted at the time of her appointment, the Petitioner's adjudicatory panel was chaired by the spouse of the law school dean who had orchestrated and championed these procedural departures at the behest of the complaining professor.

5. FERPA does not create a private right of action — but it does establish non-negotiable confidentiality boundaries. Albany Law School crossed those boundaries repeatedly, and the violations are not collateral or technical; they are the clearest possible proof that the process was arbitrary, capricious, and unlawful within the meaning of CPLR § 7803(3). This Court is asked to declare that rules matter, that confidentiality matters, and that institutions may not promise due process and fairness to students while practicing something else entirely. Petitioner seeks vindication in the form of the declaratory relief requested below.

CONTINUING AND COLLATERAL CONSEQUENCES OF THE UNLAWFUL DISCIPLINARY PROCESS

6. The procedural violations challenged in this Petition are not academic and were not cured by the October 23, 2025 stipulation resolving the underlying disciplinary matter. The contents, characterizations, and conclusions embedded in the Supplemental Investigation Report and related disciplinary materials continue to carry concrete and adverse consequences for Petitioner because they will be presented to the Committee on Character and Fitness of the Appellate Division as part of the bar admission process governed by 22 NYCRR Part 520.

7. As stated in *Dennis v. Bd. of Educ. of the City Sch. Dist. of N.Y.*, 200 A.D.3d 603, 605 (1st Dept. 2021), "[t]he controversy here is not moot because the judicial determination has immediate practical consequences for the parties." *See also Matter of N.Y. State Common. On Jud. Conduct v. Rubenstein,* 23 N.Y.3d 570, 577 (2014) (issue presented is not moot because publication of sealed records will "adversely impact his professional reputation

and standing within the legal and greater communities, and constitute enduring consequences"); *Matter of Veronica P. v Radcliff A.*, 24 N.Y3d 668, 671 (2015) ("In this case, the expiration of the order of protection does not moot the appeal because the order still imposes significant enduring consequences upon respondent, who may receive relief from those consequences upon a favorable appellate decision."); *Mu Chapter of Delta Kappa Epsilon v. Colgate Univ*. 176 A.D.2d 11 (3 Dept. 1992) ("[C]ontrary to respondent's position, this proceeding is not moot because, although the sanctions imposed on the fraternity may have, by their terms, expired, petitioners still seek and may be aggrieved by the denial of an expungement of the suspension record.")

8. Albany Law School's disciplinary records — including the SIR's characterization of the January 13, 2025 and the Reporter's unauthorized, pre-hearing conclusion contained therein that Petitioner engaged in "misconduct within the meaning of the Student Handbook" — remain subject to disclosure and reliance in connection with bar admission and Character and Fitness determinations.

9. Absent judicial clarification that the determinations derived from a process that violated the procedures established by Chapter X and fundamental notions of due process and fair play, Petitioner faces ongoing and substantial harm from the continued existence, retention, and potential disclosure of an unlawfully constructed disciplinary record. These collateral consequences establish a live controversy and provide an independent basis for declaratory and Article 78 relief notwithstanding the parties' stipulation resolving the underlying disciplinary proceeding.

PARTIES, JURISDICTION, VENUE, AND TIMING

10. Petitioner John Doe is a resident of the State of New York and, at all times relevant to this proceeding, was and remains a law student in good academic and disciplinary standing at Albany Law School. Pursuant to New York Education Law § 6448 and CPLR § 3016(i), Petitioner brings this proceeding under a pseudonym, as it challenges the procedures employed in connection with an institutional disciplinary process involving a student.

11. Respondent Albany Law School of Union University is a private law school located in Albany County, New York. This Court has jurisdiction pursuant to CPLR §§ 7801–7806 and CPLR § 3001. Venue is proper in Albany County pursuant to CPLR § 506(b), as the determinations and conduct challenged herein occurred in this County. The disciplinary proceeding at issue was conclusively resolved by stipulation dated October 23, 2025, leaving no further internal, administrative, or appellate remedies available to Petitioner, and this proceeding is therefore timely under CPLR § 217(1).

GOVERNING PROCEDURES AND LAW

12. Albany Law School chose to bind itself to a detailed, written disciplinary architecture. The school promulgates, interprets, and enforces its Residential and Flex JD Student Handbook, including the Chapter X Disciplinary Code that governed the underlying proceeding, a copy of which is attached hereto as Exhibit A. Chapter X of the Residential and Flex JD Student Handbook is not aspirational; it is mandatory by its own terms:

1. Disciplinary Procedures for Student Misconduct:

> The investigative and disciplinary procedures contained in these Rules ***shall be followed and administered by Albany Law School*** in the event of an allegation of student misconduct.

See Disciplinary Code, Ex. A, p. 1 (emphasis added).

13. The rules in Chapter X prescribe who may participate in a disciplinary investigation, how information must be handled, how charges are to be framed, how quickly the matter should progress, and how adjudication and determination must occur. *Id.* The rules declare: "The object of these procedures is to obtain an expedient and fair determination." Disciplinary Code, Ex. A, at § A(1).

14. As the Third Department reiterated in a June 5, 2025 decision, "' [i]t is well established that once having adopted rules or guidelines establishing the procedures to be followed in relation to suspension or expulsion of a student, colleges or universities — both public and private — must substantially comply with those rules and guidelines.'" *Matter of Bibler v State Univ. of N.Y. at Albany*, 2025 NY Slip Op 03373, 239 A.D.3d 1080 (3d Dept., June 5, 2025) (*quoting Matter of Schwarzmueller v. State Univ. of N.Y. at Potsdam*, 105 AD3d 1117, 1118 (3d Dept. 2013) (internal quotation marks and citations omitted); *see also Tedeschi v. Wagner Coll,* 49 N.Y.2d 652, 427 N.Y.S.2d 760 (1980); *Matter of Klockowski v State Univ. of N.Y. Coll. at Plattsburgh*, 182 AD3d 725, 726 (3d Dept. 2020) and *Matter of Hyman v Cornell Univ.*, 82 AD3d 1309, 1310 (3d Dept. 2011). While no single failure to follow guidelines necessarily mandates annulment or a finding of arbitrary or capricious conduct, multiple factors taken together can demonstrate a lack of substantial compliance. *Matter of Doe v Skidmore Coll*., 152 A.D.3d 932 (3d Dept. 2017).

15. In addition to the above, Albany Law School is a recipient of federal financial assistance and is therefore subject to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulations, 34 C.F.R. Part 99 ("FERPA"). While FERPA does not confer a private right of action, its confidentiality requirements governing student education records are mandatory and binding on covered institutions.

THE JANUARY 13, 2025 INCIDENT

16. On the morning of January 13, 2025, Petitioner attended the first meeting of the International Children's Rights course taught by Professor Anthony Farley. What transpired during that class session bore no resemblance to a pedagogical discussion of international law. Instead, Professor Farley immediately diverted from the syllabus and launched into an extended political and racial monologue that was not only unrelated to the course material but was delivered in a manner that singled out and demeaned Petitioner in front of his peers.

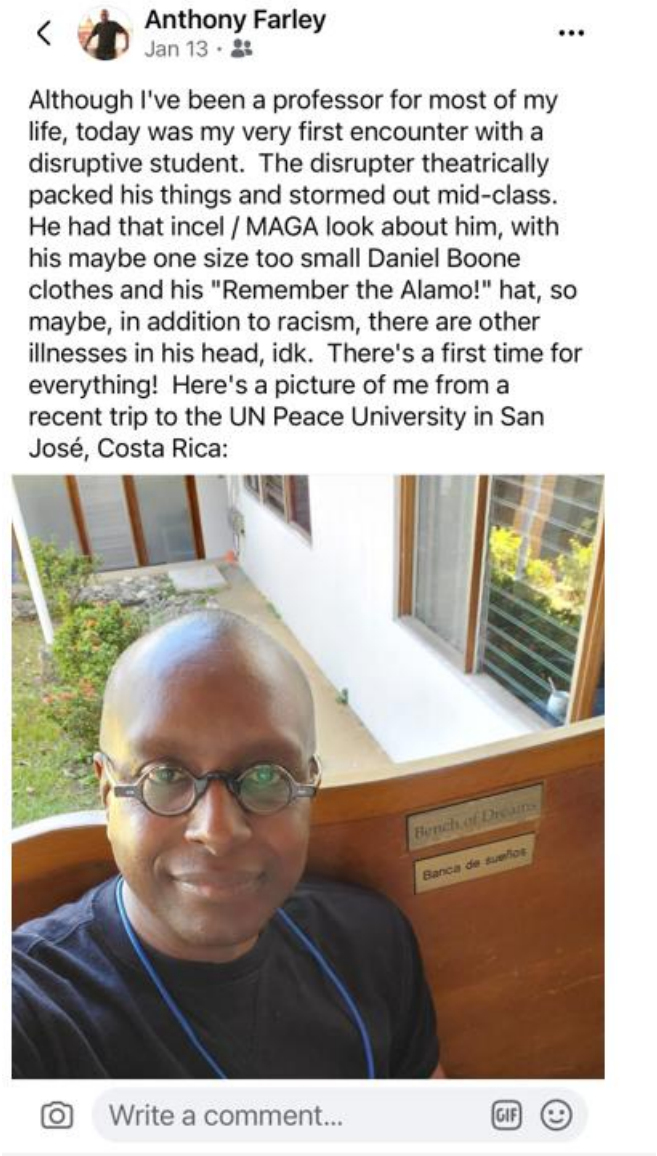
17. Professor Farley began the class by deactivating the classroom recording system and initiating a discussion of the significant of "9/11," stating that the terrorist attacks on the United States on September 11, 2001 were insignificant when compared to the 1973 Chilean coup supported by the CIA. From there, Professor Farley escalated into a series of racially charged assertions, including statements that conservatives hate Black people, women, and gays, are inherently racist, and seek to "conserve slavery," and that the Founding Fathers were "worse than Hitler" because they owned slaves. These remarks were not presented as abstract political theory, but as moral judgments delivered with hostility and ridicule.

18. Professor Farley then shifted from general political commentary to personal targeting. After asking whether anyone in the class hunted, and after Petitioner raised his hand, Professor Farley pointed him out in front of the class and remarked, "Of course the guy in the hat hunts," before delivering a diatribe against hunters and hunting, using Petitioner's attire as a proxy for his race, background, and perceived political ideology. Professor Farley continued by describing what "conservatives look like," referring to them as "Daniel Boone"

types and characterizing them as people who hate Black people and wish to return society to slavery. At the time, Petitioner was wearing a heavy, lined flannel overshirt appropriate for winter weather.

19. After enduring approximately thirty minutes of unprofessional and discriminatory behavior from Professor Farley, Petitioner — visibly uncomfortable, humiliated in front of his peers, and subjected to a hostile classroom environment — collected his belongings and chose to leave the class. As he exited, Petitioner approached the front of the room, briefly placed his hand on Professor Farley's shoulder in a non-aggressive manner, and politely stated words to the effect of "Thank you for the last thirty minutes. I hope you have a good semester. You will not be seeing me again." Petitioner then immediately left the classroom.

20. Professor Farley did not treat the incident as violent, dangerous, or assaultive. Immediately after the class session — and before he had any knowledge that Petitioner had lodged a complaint against him — Professor Farley joked about the incident with the remaining students, then emailed a school administrator describing Petitioner's conduct only as "disruptive" and requesting that he be removed from the class roster. Later that same day, Professor Farley publicly described the incident on social media as his "very first encounter with a disruptive student," stating that the student "packed his things and stormed out mid-class." later adding in response to a comment, "all is well that ends well." His Facebook post from the day of the incident reads as follows:



21. At no point in any of his contemporaneous communications on the day of the incident did Professor Farley claim that Petitioner assaulted him, posed a danger, struck him, or engaged in any violent or threatening conduct.

THE FIRST-IN-TIME COMPLAINT AND THE RETALIATORY DISCIPLINARY CHARGE

22. Following his departure from the classroom, Petitioner went directly to Albany Law School's administrative offices to report Professor Farley's unprofessional conduct,

but he was not able to meet with the dean until approximately 9:15 a.m. the next day. Petitioner's complaint described the racially charged, discriminatory, and demeaning remarks, and the hostile classroom environment created by Professor Farley. Petitioner made this report promptly, directly, and in good faith, expecting the institution to investigate a faculty member's conduct in accordance with its written policies.

23. Albany Law School did not do so.

24. Rather than begin a formal investigation of Petitioner's report of classroom misconduct, Albany Law School instead notified Professor Farley that a complaint had been made against him, prompting him to bring a retaliatory disciplinary charge against Petitioner that Albany Law School proceeded to treat as the only operative complaint. Petitioner's complaint was at first ignored, then passed from office to office, and ultimately rejected without investigation in September 2025.

25. Professor Farley's subsequent disciplinary complaint was not a spontaneous response to an assault but followed — and was shaped by — Petitioner's report to administration concerning Professor Farley's classroom conduct. Only after learning of that report on January 14, 2025 did Professor Farley began describing Petitioner's conduct as an "assault." This shift in narrative was directly contrary to Professor Farley's own contemporaneous descriptions of the incident and occurred only after he became aware that Petitioner had reported him. The escalation of the account was not driven by new facts, but by the existence of Petitioner's complaint and the changed institutional context in which the incident was being assessed.

26. Albany Law School's failure to investigate and ultimate rejection of the Petitioner's first-in-time complaint, coupled with its decision to prioritize, advance, and

champion the professor's later complaint, inverted the disciplinary process at its inception and set the stage for the procedural irregularities that followed. The sequence of events described above provides essential context for the procedural failures addressed below, including the abandonment of confidentiality requirements, the involvement of unauthorized actors in the investigative process, the escalation and reframing of the charged conduct without notice, and the loss of neutrality and due process that ultimately poisoned the disciplinary process in violation of the school's own written procedures.

THE DESIGNATION OF DEAN TARANTO AS "DEAN" UNDER CHAPTER X

27. Chapter X vests specific procedural authority relative to disciplinary matters in "the Dean," but that term is defined functionally, not by job title. The Code expressly permits the Dean to act through a designee, and once a designee is appointed, that designee exercises the Dean's authority for purposes of the disciplinary process. *See* Disciplinary Code, Ex. A, p. 1 ("Any reference to the Dean in these Rules shall be deemed to refer to the Dean or the Dean's designee.").

28. In this matter, Albany Law School Dean Cinnamon P. Carlarne designated Associate Dean of Student Affairs Jenean Taranto to act on the disciplinary complaint under Chapter X. *See* Supplemental Investigative Report (hereinafter "SIR"), attached as Exhibit B, at p. 1 ("Pursuant to the Student Handbook, Chapter X, A.1(a) & (b), Dean Carlarne initiated a preliminary investigation to be conducted by her designee, Jenean Taranto, Associate Dean of Student Affairs.")[1].

[1] Because the SIR and its attachments contains confidential student information protected by FERPA, including a full class roster containing names of non-party students and other identifying characteristics, the SIR is being filed under seal, and a sealing motion is being filed contemporaneously with this Petition.

29. From that point forward, Dean Taranto — not Dean Carlarne — was "the Dean" referenced throughout Chapter X for purposes of this disciplinary proceeding. Indeed, Dean Taranto conducted the preliminary investigation, made the probable-cause determination, issued the formal charge against Petitioner, and appointed the Reporter to conduct the supplemental investigation. *See generally* SIR, Ex. B. These steps were made in compliance with the powers afforded to the "the Dean" under Chapter X.

THE DISCIPLINARY CHARGE

30. Following the classroom incident and after Petitioner had already lodged his first-in-time complaint against Professor Farley, Associate Dean Taranto, acting as designee under Chapter X, issued a written notice of disciplinary investigation to Petitioner dated February 3, 2025.

31. The notice stated as follows:

> This letter is to notify you that I am conducting an initial investigation pursuant to Chapter X of the Albany Law School Student Handbook. As the Dean's designee, I have received allegations of possible misconduct by you. Enclosed please find a copy of the pertinent Student Handbook chapter that details the process now underway.
>
> The allegations that pertain to you are as follows:
>
> Engaging in unprofessional conduct that adversely reflects on the student's fitness to become a lawyer and possible criminal or tortious conduct on Albany Law School property, alleged by Professor Anthony Farley to wit: that you disrupted Professor Farley's International Children's Rights class when, during lecture, you packed up your books/class materials and departed from the class. It is further alleged that when you were leaving the class you placed your hand on Professor Farley, wished him good luck and informed Professor Farley that 'you will not see me again.'"

SIR, Ex. B, Attachment 3.

32. Dean Taranto's letter further advised Petitioner that she was in the process of investigating the matter and that her investigation was nearing completion. *Id.* She invited the Petitioner to provide additional information in relation to the allegations and indicated that she planned to make a probable-cause decision by February 10, 2025. *Id.*

33. Pursuant to Albany Law School's Disciplinary Code:

> If, on the basis of preliminary investigation, the Dean determines that probable cause exists for believing that misconduct occurred, and that the appropriate sanction for such misconduct, if it occurred, could be something more severe than a Letter of Education, or is otherwise something that should be determined by a panel, a charge will issue, and the provisions of this paragraph shall apply.
>
> i. Notice To Accused Student:
>
> The Dean shall, as soon as practicable, notify the accused student of such determination, the nature of the alleged misconduct and the contents of these Rules. At the request of the accused student, the Dean shall provide such student with a summary of the evidence of misconduct and the documentary allegations of misconduct.

Disciplinary Code, Ex. A, p. 3.

34. Consistent with this procedure, Dean Taranto found probable cause to exist and by way of letter dated March 4, 205, notified Petitioner of the formal charge against him.[2] The March 4 letter reads in pertinent part as follows:

> As you know, I have received allegations of possible misconduct by you and have been conducting a preliminary investigation of the matter which has now concluded. Based on the information provided to me from you, Professor Farley, and students enrolled in the International Children's rights class, I have determined that there is probable cause to convene a disciplinary proceeding regarding your conduct pursuant to procedures in the Albany Law School Student Handbook. The

[2] The March 4, 2025 letter followed Dean Taranto's earlier notice to Petitioner that she was in the process of conducting an investigation and planned to complete it by February 10, 2025. No explanation was provided for the three-week delay, but Dean Taranto presumably used the extra time for further investigation of the January 13, 2025 incident.

> allegations that pertain to you that were the subject of the preliminary investigation are as follows:
>
> Engaging in unprofessional conduct that adversely reflects on the student's fitness to become a lawyer and possible criminal or tortious conduct on Albany Law School property, alleged by Professor Anthony Farley to wit: that you disrupted Professor Farley's International Children's Rights class when, during lecture, you packed up your books/class materials and departed from the class. It is further alleged that when you were leaving the class you placed your hand on Professor Farley, wished him good luck and informed Professor Farley that "you will not see me again."

SIR, Ex. B, Attachment 5.

35. Notably, the wording of the March 4, 2025 charge had not changed from the February 3, 2025 notice. After more than six weeks of investigation conducted by Dean Taranto, which included interviews with students who had been present in the International Children's Rights class when the incident occurred, Petitioner was formally charged, inter alia, with having disrupted the class by departing it and "plac[ing]" his hand on Professor Farley while wishing him good luck and stating an intention not to return.

36. Importantly, Petitioner was not charged by Dean Taranto with having attacked, hit, slapped, clapped, or assaulted the professor. He was not charged with racial animus, racial assault, battery, intimidation, or any other form of violent or criminal conduct. The charge does not allege force, aggression, fear, injury, or threat. It does not allege that any physical contact was harmful, offensive, or unwanted. In terms of physical force, the charge remained limited to the allegation that Petitioner placed his hand on Professor Farley while wishing him good luck before leaving the classroom. At no time in the disciplinary process was the charge amended to include any allegation of force, violence, or racial motivation. Instead, the charge alleges a discrete set of facts — packing up books, leaving class, placing a hand on a professor's shoulder, wishing him good luck, and stating an intention not to return — and nothing more.

37. Although the March 4, 2025 charge contains the prefatory phrase "possible criminal or tortious conduct," that phrase does not exist in the abstract. It is immediately and expressly limited by the narrowing clause *"to wit,"* which in plain legal usage means *"namely"* or *"that is to say."* In other words, the only conduct alleged to be "possibly criminal or tortious" is the conduct that follows — the same conduct quoted above. The charge does not reserve the right to graft additional facts, theories, or characterizations onto that conduct, nor do the procedures specified in Chapter X permit such a maneuver.

38. Under Chapter X, and under basic principles of procedural fairness, a student is entitled to know what kind of wrongdoing is being alleged. An allegation of discourteous or unprofessional conduct is categorically different from an allegation of violent assault or racially motivated misconduct. Each requires a different defense, different evidence, and a different legal analysis.

39. Here, if Albany Law School intended to pursue a theory that Petitioner's conduct was violent, racist, or constituted assault, battery, or any other crime or tort, it was required to say so clearly in the charge in compliance with its Disciplinary Code. Disciplinary Code, Ex. A, at § A(1)(e)(i). For assault or battery, it was required to allege force or lack of consent. It was required to allege fear, injury, or offensive contact.

40. It did none of those things. Instead, as is set forth below, it issued a narrowly framed charge and then, through the supplemental investigation process, impermissibly reframed that same conduct into something far more serious without ever providing the required notice to Petitioner.

41. The March 4, 2025 notice defined — and, as a matter of law and procedure, limited — the scope of the disciplinary process Albany Law School was authorized to pursue against Petitioner.

42. The contemporaneous facts back Dean Taranto's framing of the charge and underscore the importance of this limitation. At the time of the incident, Professor Farley did not behave as someone who had been assaulted or placed in fear. He did not summon campus security, seek medical attention, interrupt class, or report an emergency. His own conduct in the first 24 hours following the incident was wholly inconsistent with any claim of violent or criminal wrongdoing. The absence of such allegations in the charge was therefore not an oversight; it reflected the reality of how the encounter was perceived by the complainant at the time.

43. Under Chapter X, this written charge was not a mere procedural waypoint. It was the jurisdictional anchor of the disciplinary process. It defined the conduct under investigation, set the outer limits of the inquiry, and provided Petitioner with notice of what he was required to defend against. Absent a formal amendment of the charge — with notice and an opportunity to respond — Albany Law School was bound to conduct any investigation, supplemental investigation, and adjudication within the four corners of this allegation.

44. As set forth below, Albany Law School did not do so. Led by Dean Carlarne, it used the supplemental investigation process to transform this narrowly defined charge into a narrative of violent, racially motivated assault — all at the behest of the complaining witness — thereby adjudicating a theory of misconduct that was never noticed and never charged. That departure was not a technical defect. It was a fundamental violation of Chapter X and of the basic procedural protections Albany Law School promised its students

(e.g., "The object of these procedures is to obtain an expedient and fair determination.") and was therefore obligated to honor.

THE SUPPLEMENTAL INVESTIGATION

45. Following issuance of the preliminary charge, Dean Taranto appointed Professor Vincent M. Bonventre as the "Reporter" to conduct a supplemental investigation pursuant to the requirements of Chapter X. SIR, Ex. B, Attachment 4.

46. Consistent with FERPA, Albany Law School's Disciplinary Code imposes mandatory confidentiality requirements governing student misconduct investigations, including an express requirement that the Dean obtain a confidentiality commitment from the appointed Reporter:

> ii. Investigation and Determination By Panel:
>
> The Dean shall appoint a Reporter to conduct a supplemental investigation and to present the case against the accused student to a panel. ***The Dean shall obtain a commitment from the Reporter to abide by these Rules, including the Requirement of Confidentiality***.

Id. at p.3 (emphasis added).

47. The Supplemental Investigation Report contains no indication that the Requirement of Confidentiality was obtained from Professor Bonventre. The record instead reflects that the supplemental investigation was conducted in a manner inconsistent with the confidentiality and role limitations imposed by the Disciplinary Code and by the related confidentiality requirements of FERPA.

48. Chapter X places clear limits on the Reporter's authority. For example, the Code does not permit the Reporter to allow parties or third parties to dictate the timing, sequencing, or conditions of the investigation; to conduct the investigation through

administrators who have no disciplinary role under Chapter X; to incorporate advocacy materials into the investigative record; or to make adjudicative findings or conclusions regarding whether misconduct occurred. The adjudicative function is expressly reserved to the disciplinary panel. *See* Disciplinary Code, Ex. A, at § A(1)(e)(ii).

49. Professor Bonventre subsequently created a document entitled Supplemental Investigation Report, dated May 4, 2025, a copy of which is attached hereto (subject to a sealing motion filed herewith) as Exhibit B.

50. The SIR is remarkable not merely for its conclusions, but for what it affirmatively and candidly documents about how the investigation was conducted.

51. As documented by Professor Bonventre, the supplemental investigation did not proceed in the manner contemplated by Chapter X — that is, as a neutral, bounded inquiry into the conduct charged by Dean Taranto on March 4, 2025.

52. Instead, the SIR reflects an investigation that was repeatedly diverted, expanded, and substantively shaped at the insistence of Professor Farley and individuals aligned with him who had no authorized role in the Chapter X process and no legitimate educational interest in the disciplinary matter under FERPA.

A. PROFESSOR FARLEY REFUSES TO BE INTERVIEWED BY THE REPORTER UNTIL HIS DEMANDS ARE MET

53. Strikingly, the SIR records that Professor Farley, the complaining witness, refused to meet with the Reporter for almost eight weeks until after the Reporter had complied with his demand that he first meet with senior administrators who had no role in student disciplinary proceedings, including the Albany Law School Dean, Cinnamon Carlarne.

54. The Reporter confirmed these circumstances in a footnote, writing: "After several failed attempts to reach Professor Farley, I was able to make contact with him in a phone call on April 1, 2025. He told me that I should first speak to Dean Carlarne to be updated about this disciplinary matter before he and I could speak." *See* SIR, Exhibit B, fn. 8.

55. Professor Farley later expanded the list of people he required the Reporter to speak to before he agreed to be interviewed. The new list included members of the Black Law Students Associate — an organization that he had advised and mentored — and Jermaine Cruz, Associate Dean for Inclusive Excellence and Enrollment Management, a member of Albany Law School's Diversity, Equity and Inclusion ("DEI") staff. SIR, Ex. B, at Attachment 6.

56. Rather than insisting on the independence of the investigative process and declining to condition the investigation on unauthorized meetings as violative of FERPA and the procedures set forth in the Disciplinary Code, the Reporter acceded to Professor Farley's demands and met with the designated individuals. *Id.*

57. As a result, the investigation was not initiated through direct fact-gathering from the complaining witness, but instead was routed through individuals and groups entirely outside the disciplinary framework established by Chapter X.

B. LAW SCHOOL DEAN CINNAMON CARLARNE AND THE BLACK LAW STUDENTS ASSOCIATION IMPROPERLY PARTICIPATE IN THE DISCIPLINARY INVESTIGATION

58. The SIR further confirms that in violation of the confidentiality requirements of both FERPA and Chapter X of the Student Handbook, and having already designated Dean Taranto to act in her stead, Albany Law School Dean Cinnamon P. Carlarne chose to reinvolve herself directly in Petitioner's disciplinary matter after the charge was presented and the Reporter was appointed. Dean Carlarne's participation in the disciplinary

process was demanded by the complainant, Professor Farley, who had expressly conditioned his interview with the Reporter on her intervention.

59. Even before this occurred, Professor Farley had attempted to influence the process by sending a threatening February 2, 2025 email to Dean Taranto in which he made clear the outcome he expected from her preliminary investigation into the matter. He wrote "***I'm not aware of a single significant instance in which ALS hasn't ended up supporting racist and disruptive white behavior. . . . This is Albany Law School's mess to clean up***." SIR, Ex. B, Exhibit 4 to Attachment 9 (emphasis added).

60. Foreshadowing what was to come later, the February 2, 2025 email was copied to Dean Carlarne, who did nothing to reject or rebuke it as an impermissible attempt to influence Dean Taranto's preliminary investigation under Chapter X.

61. Professor Farley's February 2, 2025 email was also copied to Associate Dean Jermaine Cruz, who likewise did nothing to reject or rebuke it as improper.

62. Once the formal charge was brought against Petitioner on March 4, 2025, Professor Farley began to dictate in detail how the ensuing supplemental investigation headed by Professor Bonventre would be conducted, and his directives were followed to the letter.

63. At the behest of Professor Farley and in violation of FERPA and Chapter X, Dean Carlarne personally met with members of the Albany Law Black Law Students Association ("BLSA") regarding the Petitioner's pending disciplinary matter. SIR, Ex. B, at p. 3.

64. The involvement of the BLSA in a confidential student disciplinary investigation is a departure from the confidentiality and neutrality requirements imposed by Chapter X and required by FERPA.

65. Student organizations play no role in disciplinary investigations. They are not witnesses, investigators, adjudicators, or decision-makers.

66. Yet here, the Dean of the Law School voluntarily met with a student advocacy organization that was institutionally aligned with the complaining witness (who has previously served as the group's advisor and mentor), while the disciplinary matter was pending, and permitted that organization's advocacy to be funneled into the investigative and adjudicative process. *See* SIR, Ex. B, at p. 3.

67. The meeting with the law school dean was not the only opportunity provided to the BLSA to comment on Petitioner's disciplinary proceeding. On or about March 28, 2025, at the invitation of Dean Carlarne, the BLSA wrote a letter to her commenting specifically on Petitioner's confidential disciplinary proceeding. *Id.* at Attachment 7. Dean Carlarne not only encouraged and welcomed the letter, but she also insisted that it be made part of the "disciplinary considerations" related to Petitioner's case.

68. The avowed purpose of the BLSA's letter was to "voice our concerns regarding the ongoing situation with one of our most esteemed professors." *Id.*

69. The letter purported to link the January 13, 2025 incident involving Petitioner to an alleged "hostile learning environment" existing at Albany Law School and confirmed the "opportunity" Dean Carlarne had provided the BLSA to comment.

70. The BLSA letter, while not identifying any witnesses to the event, proceeded to describe Petitioner's departure from the classroom on January 13, 2025 as "patronizing," "impertinen[t]," "impudent," and a demonstration of "misplaced superiority." *Id.*

71. The BLSA letter also stated that its members were concerned about the "integrity of the investigation." *Id.*

72. In particular, the BLSA alleged without attributing a source that "Dean Taranto leading the investigation has used suggestive language during interviews."[3] *Id.*

73. The BLSA expressed concern with Dean Taranto allegedly "implying that the situation may not be a big deal." *Id.*

74. The BLSA letter urged Dean Carlarne to recognize the heightened level of respect that it thought should be afforded to Professor Farley, the complaining witness in the pending disciplinary proceeding, stating: "Not only does this professor merit the same level of respect afforded to other faculty members, but many would argue that his distinguished legal career warrants even greater respect." *Id.*

75. The letter proceeded to discuss "the evolving political state of this country" stating that "Since the election, there has been a disheartening feeling that has been felt by students across our organization and the school" and "The current climate of America has seeped itself into our institution and has unfortunately established itself to be the status quo." *Id.*

76. The letter specifically linked the January 13, 2025 incident involving Petitioner to its perception of the political and racial climate existing in the country, stating: "This incident is a symptom of the infection barreling through American society and we must ensure that the Black community feels protected and welcomed within these walls." *Id.*

77. According to the BLSA's letter, "These kinds of interactions between Black law students, faculty, staff, and other law students exacerbate an already hostile learning environment and we will not overlook this opportunity to use our voices in response." *Id.*

[3] By the time of the March 28, 2025 letter, Dean Taranto's preliminary investigation had long since been concluded and had already resulted in the formal charge against Petitioner dated March 4, 2025.

78. The BLSA letter saw the Petitioner's confidential disciplinary proceeding as an opportunity for a "call to action" at Albany Law School given the national political climate: "This is a call to action to speak out for the students, faculty, and staff most vulnerable during this violation of procedure, law, and professional values that is currently happening in government." *Id.*

79. The BLSA letter also urged that the January 13, 2025 incident be seen as a litmus test: "We do not want an incident like this to be what Albany Law is known for accepting." *Id.*

80. According to the BLSA, "Protecting our students, staff, and faculty must be our priority, as failing to do so would deter future members of the Black community from finding a space here and establish a narrative that our spaces are not valued." *Id.*

81. The letter to Dean Carlarne was signed not by any individual members of the BLSA or even on behalf of its officers or leadership, but rather with the words "In Power, In Solidarity, In Community — Albany Law Black Law Students Association." *Id.*

C. DEAN CARLARNE ISSUES INSTRUCTIONS TO THE REPORTER AND THE PANEL, WHICH INCLUDES HER HUSBAND, KEITH HIROKAWA

82. Rather than reject the BLSA's letter as noncompliant with Chapter X and an unauthorized and unwarranted intrusion into what was supposed to be a FERPA-protected, confidential, and fair student disciplinary proceeding, Dean Carlarne instead passed it along with her approval for consideration by the disciplinary panel.

83. Indeed, not only did Dean Carlarne present the BLSA's letter to the Reporter, but she also held a private meeting with the Reporter in her office to discuss the

importance of the BLSA letter to the investigation and ensure that it would be considered in connection with Petitioner's case.

84. According to Professor Bonventre, "On April 24, 2025, after having shared the BLSA Letter with me, Dean Carlarne and I met in her office. She relayed the concern expressed to her by Professor Farley, Dean Cruz, and some members of BLSA with whom she had previously met. ***They each wanted assurance that the BLSA Letter would be made a part of the disciplinary considerations***." *See* SIR, Ex. B, p. 3 (emphasis added).

85. At that moment, the supplemental investigation ceased to be a continuation of the charged disciplinary process and became something else entirely. No provision of Chapter X authorizes the law school dean to mandate inclusion of third-party advocacy materials in a disciplinary record. No provision permits DEI administrators to participate in, supervise, or influence a supplemental investigation. No provision allows a complaining witness to condition his cooperation with the investigation on meetings with administrators or to dictate what materials must be considered by the disciplinary panel. And no provision permits a student organization to influence the adjudication of an individual student's alleged misconduct.

86. Dean Carlarne's involvement in Petitioner's disciplinary proceeding was not authorized by Chapter X of the Albany Law School disciplinary code. Her meeting with the BLSA, transmittal of the BLSA's letter to the Reporter, and meeting with the Reporter to gain "assurance" that the BLSA letter would be made part of the disciplinary considerations was a violation of Chapter X, FERPA, due process, and the principle of fairness promised to accused students under Albany Law School's Disciplinary Code.

87. It was also a conflict of interest, because at the time she chose to reinvolve herself in Petitioner's disciplinary proceeding and meet with the complaining witness, the BLSA, Dean Cruz, and the Reporter to influence its outcome, Dean Carlarne knew that the panel presiding over Petitioner's disciplinary proceeding was chaired by her husband, Professor Keith Hirokawa.

88. Thus, when Dean Carlarne presented the BLSA letter with her approval to the Reporter and made him give his "assurance" that it would "be made part of the disciplinary considerations," she was in fact sending an unequivocal message to her husband that she wanted him and the other hearing panelists to consider the BLSA's demands and grievances in relation to Petitioner's fate.

89. Professor Hirokawa duly complied, later telling Petitioner in a virtual, pre-hearing meeting on August 1, 2025 that he did not see any basis for a defense to the charge and that if Petitioner proceeded to a hearing, he likely would be adjudged guilty and either suspended or expelled from Albany Law School over the January 13, 2025 incident. Professor Hirokawa's declaration informed Petitioner's decision to mitigate the risk to his academic standing and professional opportunities by resolving the disciplinary matter by way of stipulation on October 23, 2025 without proceeding to a hearing.

D. THE BREACH OF A KNOWN AND MANAGED CONFLICT OF INTEREST: DEAN CARLARNE'S INTERVENTION IN A DISCIPLINARY MATTER ADJUDICATED BY HER SPOUSE

90. Once Dean Carlarne initiated the disciplinary process under Chapter X and appointed Dean Taranto as her designee, Chapter X did not authorize her to play any further role. In particular, Chapter X did not authorize Dean Carlarne to discuss the matter with Professor Farley, supervise the investigation, communicate with the Reporter about evidentiary

content, meet with third parties to gather their thoughts on guilt, overrule or supplement the charges brought by Dean Taranto, or dictate what materials would be presented to her husband and the rest of the disciplinary panel for its consideration.

91. Professor Hirokawa's role as panel chair was known to Dean Carlarne and others at Albany Law School at the time the disciplinary process was set in motion. Under those circumstances, any direct involvement by Dean Carlarne in the investigation or evidentiary development of the case presented an obvious conflict of interest.

92. The possibility of a conflict of interest between Dean Carlarne and her husband was recognized by Albany Law School and its Board of Trustees well before she was even appointed Dean, with steps being taken at that time — and assurances given to fellow faculty members by both Dean Carlarne and Professor Hirokawa — that barriers would be placed and procedures followed to avoid not only actual conflicts of interest but also the appearance thereof.

93. In an email dated June 26, 2023, entitled "Management Plan for Dean Carlarne and Professor Hirokawa," Kelly A. Lussier, the Executive Assistant to the President and Dean, forwarded a message to all Albany Law School faculty and staff on behalf of Dan Grossman, incoming Chair of the Board of Trustees, and Associate Dean Rosemary Queenan. The June 26, 2023 email attached a Word document of the same date entitled "Conflict of Interest Management Plan – Dean Carlarne and Professor Hirokawa" (the "Conflict Management Plan"). The Word document, which addressed the steps taken to avoid the potential for professional conflicts of interest between Dean Carlarne and Professor Hirokawa, reads as follows:

> ***As many of you know, incoming Dean Carlarne and Professor Hirokawa are in a personal relationship***. Though we all

> can and should be supportive of this relationship, consistent with our policies and in consultation with legal counsel, ***the law school has established a management plan that sets forth guidelines for dealing with the relationship in the workplace***. A management plan is standard practice in these situations.
>
> The purpose of this Memorandum is both to let you know that such a plan is in place, and to inform you that if you have any questions or concerns, you can contact either of us, or the Director of Human Resources. ***In discussing the plan with Dean Carlarne and Professor Hirokawa, we fully expect that there will be no adverse professional issues resulting from their personal relationship***. The measures taken in the plan are put in place in the abundance of caution and consistent with best practices for these relationships at other institutions and organizations.

See June 26, 2023 Email and Conflict Management Plan Document, attached hereto collectively as Exhibit C (emphasis added).

94. A subsequent email dated June 29, 2023 from Ms. Lussier on behalf of Dan Grossman, Chair of the Board of Trustees, Associate Dean Rosemary Queenan, and Sherri Donnelly, Director of Human Resources, offered "Colleagues" the opportunity to ask confidential questions about the Conflict Management Plan. *See* June 29, 2023 Email, attached hereto as Exhibit D.

95. The emails from June, 2023 and the existence of the Conflict Management Plan reveal not only that Albany Law School faculty, administrators, and Board of Trustees were aware of the potential for a conflict of interest between Dean Carlarne and Professor Hirokawa, but that those concerns had been addressed with both individuals, who expressed their intent to avoid conflict situations involving professional issues. Indeed, Professor Hirokawa resigned from an administrative role at the law school to avoid the appearance of a conflict and pave the way for Dean Carlarne's advancement.

96. Yet, as is set forth above, at the insistence of Professor Farley and in violation of both FERPA and the Disciplinary Code, Dean Carlarne met with members of the Black Law Students Association regarding the pending disciplinary matter involving Petitioner. Thereafter, she communicated the BLSA's concerns and expectations to the Reporter and issued instructions that a letter she had secured from the BLSA condemning Petitioner should be incorporated into the "disciplinary considerations" presented to the panel, which included her husband. *See* SIR, Ex. B, p. 3.

97. Dean Carlarne deliberately intervened in the matter with the goal of placating Professor Farley and appeasing the political forces that he had unleashed within Albany Law School to ensure that the outcome of the disciplinary matter was to his liking. Her actions were not merely ministerial or even supervisory; they were substantive interventions into the evidentiary development of a case that Dean Carlarne knew all along would be adjudicated by her spouse.

98. By meeting with third parties about the pending matter, by transmitting and operationalizing their advocacy, and by directing the Reporter as to what materials should be included in the investigative record reviewed by her husband, Dean Carlarne engaged in conduct that created and exploited an inherent conflict of interest, violated the role-segregation mandated by Chapter X, violated the terms of the Conflict Management Plan that she and Professor Hirokawa had both agreed to, and irreparably compromised the neutrality and fairness of the disciplinary process involving Petitioner.

99. The impropriety of this conduct is compounded by the confidentiality obligations imposed by Chapter X and by FERPA-derived standards governing student education records. Once Dean Taranto was designated as the operative "Dean" under Chapter X,

Dean Carlarne had no legitimate educational interest whatsoever in accessing or shaping the confidential investigative record.

100. Her subsequent involvement therefore not only exceeded the authority conferred by the Disciplinary Code but also resulted in the disclosure and use of protected disciplinary information outside the authorized process, in violation of FERPA, and in further violation of the Conflict Management Plan to which both she and her husband both had agreed.

E. THE REPORTER MEETS WITH ASSOCIATE DEAN JERMAINE CRUZ, A MEMBER OF ALBANY LAW SCHOOL'S DEI STAFF

101. The SIR documents that Professor Farley also conditioned his willingness to be interviewed on the Reporter first meeting with Associate Dean Jermaine Cruz, a DEI administrator who was also outside the disciplinary framework established by the Disciplinary Code. *See* SIR, Ex. B, at Attachment 6.

102. Chapter X does not authorize a complaining witness to impose prerequisites on the conduct of a supplemental investigation, nor does it permit the Reporter to defer investigative control to the preferences or conditions set by one of the parties.

103. In response to Professor Farley's demand, Professor Bonventre met with Associate Dean Cruz before interviewing Professor Farley. See SIR, Ex. B, at Attachment 6. On its website, Albany Law School proclaims Associate Dean Cruz to be a member of its "Diversity, Equity and Inclusion Staff." *See* *https://www.albanylaw.edu/student-experience-support/diversity-equity-and-inclusion-staff*.

104. There was no conceivable legitimate reason for Professor Bonventre to meet with Associate Dean Cruz about Petitioner's confidential disciplinary matter. There was no procedure or mechanism under Chapter X that allowed it. The meeting was not part of the fact-

gathering process authorized by Chapter X. Associate Dean Cruz was not the Dean's designee for purposes of this matter, was not appointed as a Reporter, and was not a member of the disciplinary panel. The Disciplinary Code assigns no investigatory, supervisory, or consultative role to the DEI office in student disciplinary proceedings.

105. The SIR does not indicate that Associate Dean Cruz was interviewed as a witness or that he possessed firsthand knowledge of the January 13, 2025 classroom incident, and his involvement therefore cannot be justified as evidence collection. Rather, the record reflects that the pre-interview meeting occurred solely because it was demanded by the complaining witness and treated as a necessary ideological step before the investigation could proceed. The obvious purpose of Professor Farley requiring this meeting was to ensure that Professor Bonventre would view the matter through the appropriate ideological and racial lens.

106. By agreeing to meet with Associate Dean Cruz as a prerequisite to interviewing Professor Farley, Professor Bonventre allowed the complaining witness to dictate the sequence and conditions of the investigation in a manner not authorized by Chapter X. This deviation from the Code's prescribed investigative structure undermined the independence of the supplemental investigation at its inception, delayed the entire proceeding, and constituted an unauthorized departure from lawful procedure and the principle of fairness promised by the Disciplinary Code.

F. PROFESSOR FARLEY CONTINUES TO REFUSE COOPERATION WITH THE REPORTER UNTIL HIS EVERY LAST DEMAND IS MET

107. In the SIR, Reporter Bonventre documented his failed efforts to speak to and interview Professor Farley: "I first sought to speak with Professor Farley. For a variety of reasons, we did not meet until April 28, 2025, in the office of Jermaine Cruz, Associate Dean for

Inclusive Excellence and Enrollment Management." *Id.* at p. 3. In a footnote, Reporter Bonventre confirmed that the reason he did not meet with or interview Professor Farley until nearly two months had gone by since his March 3, 2025 appointment by Dean Taranto was that Professor Farley had categorically refused to meet until his pre-interview demands were met. *Id.* at fn. 8.

108. Eventually, Professor Bonventre grew tired of being stonewalled. In email dated April 16, 2025, he implored Professor Farley to respond to him. The email's Subject line was "Talk Tomorrow?" and the text of it read: "Phone call? Zoom? Megaphones?" *See* SIR, Ex. B, Attachment 6.

109. Replying to the "Talk Tomorrow?" email over a week later on April 22, 2025, Professor Farley finally agreed to meet to be interviewed now that his conditions and demands had all been met and his efforts to influence the proceeding had been fully indulged by both the Reporter and Dean Carlarne. *Id.* Summarizing those demands, he confirmed that he had been communicating with "the dean" regarding the disciplinary matter and that, according to the dean, Reporter Bonventre had already met with Associate Dean Jermaine Cruz and been "updated" with a letter from the Black Law Students Association. *Id.*

110. In the same email, Professor Farley once again characterized the January 13, 2025 classroom incident as a "racist assault," falsely referred to the BLSA letter as containing the observations of "witnesses," and asserted that the letter described both the students' "shock" at the incident and their concern about what they perceived as "non-neutral fact-gathering" by Dean Taranto. *Id.*

111. Now that his demands had been met, however, Professor Farley finally deigned to be interviewed, but he had yet one more demand to make of Professor Bonventre

before that happened. His April 22, 2025 email concluded with, "I'm free to meet anytime. ***I think it makes sense to include Jermaine [Cruz]***." *Id.* (emphasis added).

112. Reporter Bonventre did not oppose or even question having a member of the law school's DEI staff participate in his long-delayed interview with the complaining witness. Instead, he acceded once again to Professor Farley's demand and conducted the interview in the office of Associate Dean Cruz, who was not a witness to the events of January 13, 2025 and whose office had no role in disciplinary proceedings under Chapter X.

NEW CHARGES RAISED IN THE SUPPLEMENTAL INVESTIGATION REPORT AND THE REPORTER'S USURPATION OF THE PANEL'S ROLE.

113. The combination of Professor Farley's refusal to meet with the Reporter and the additional, unauthorized procedural prerequisites he imposed before he finally agreed to be interviewed resulted in significant delay. The Reporter did not complete the Supplemental Investigation Report until May 4, 2025, two months after he had been appointed, and nearly four months after the January 13, 2025 classroom incident. *See* SIR, Ex. B, at p. 1. The SIR was not produced to Petitioner until June 13, 2025, exactly five months after the incident and well after the semester had ended and Albany Law School was on summer break.

114. Whereas Petitioner was originally charged with "plac[ing]" his hand on Professor Farley and wishing him good luck before departing the classroom, the Supplemental Investigation Report materially recharacterized that same conduct. The SIR now described the episode as a "slap" or "clap" delivered "with considerably more force than mere touching or tapping." *See* SIR, Ex. B, at p. 5. That characterization introduced allegations of force and violence that were not contained in the charge and were never added through any process contemplated by Chapter X.

115. The SIR also incorporated into its narrative the letter authored by the Black Law Students Association and treated that letter as containing the observations of witnesses to the January 13, 2025 incident. *See* SIR, Ex. B, at p. 3. The letter was not sworn testimony, did not identify individual students as witnesses, and consisted largely of advocacy-driven assertions regarding racism, institutional harm, and the desired outcome of the disciplinary process. Chapter X does not authorize the Reporter to treat such assertions as witness evidence or to incorporate them into the investigative record as facts.

116. Rather than clearly distinguishing between the charged conduct, disputed characterizations advanced by the complaining witness and third parties, and matters reserved for panel determination, the Supplemental Investigation Report presented a unified narrative that accepted the escalated characterizations as the operative facts of the case as if they were pertinent to the original charge.

117. Having reframed the conduct and adopted the advocacy-driven narrative, the Reporter then proceeded to resolve the ultimate issue that Chapter X entrusted to the disciplinary panel. Applying the clear-and-convincing evidence standard reserved to the panel, the SIR expressly concluded that Petitioner had "engaged in misconduct within the meaning of the Student Handbook, Chapter X. Disciplinary Code." *See* SIR, Ex. B, at p. 5. That conclusion was not a presentation of proof to the panel; it was a determination of guilt rendered by the Reporter based on a materially altered theory of misconduct.

118. Critically, this outcome was not achieved through issuance of a new or amended charge, nor through a hearing before the disciplinary panel. The original charge remained unchanged throughout the process. Instead, Albany Law School used the supplemental investigation and the SIR itself as mechanisms for expanding the scope, tone, and theory of the

case at the behest of the complainant, and the Reporter then adjudicated the matter on that expanded basis before a hearing could occur.

119. Through the Supplemental Investigation Report, conduct that had been charged as classroom disruption and brief physical contact was recast in more severe, racially inflected, and quasi-criminal terms, and Petitioner was found to have engaged in misconduct on that basis — without notice, without amendment of the charge, without a hearing, and without adherence to the procedural safeguards or promises of fairness mandated by Chapter X.

SUMMARY OF ARGUMENT

120. Standing alone, each of the departures from the written procedures of Chapter X identified above constitutes a serious procedural violation sufficient to demonstrate arbitrary and capricious conduct on the part of Albany Law School. Taken together, they describe an investigative process that bore no resemblance to the one Albany Law School had committed itself to follow, and that violated the core principles of confidentiality, neutrality, and notice embedded in both Chapter X and FERPA-derived institutional policy.

ARGUMENT

POINT I

ALBANY LAW SCHOOL, THROUGH DEAN CARLARNE AND REPORTER BONVENTRE, VIOLATED THE CONFIDENTIALITY REQUIREMENTS OF CHAPTER X AND FERPA, RENDERING THE DISCIPLINARY PROCESS ARBITRARY AND CAPRICIOUS

121. Chapter X imposes mandatory confidentiality requirements governing student disciplinary investigations. Once a disciplinary matter is initiated, access to investigative information is limited to those officials expressly assigned roles by the Code.

122. In particular, when a supplemental investigation is ordered, Chapter X requires that "the Dean" obtain a commitment from the appointed Reporter to abide by the Rules, including the Requirement of Confidentiality. *See* Disciplinary Code, Ex. A, at p. 3.

123. This requirement is not aspirational; it is the mechanism by which Albany Law School enforces confidentiality and ensures that disciplinary information is not disseminated beyond the authorized process.

124. These internal confidentiality requirements mirror the core protections imposed by FERPA, which prohibits disclosure of personally identifiable information from student education records to persons without a legitimate educational interest.

125. Although FERPA does not provide a private right of action, Albany Law School's own disciplinary rules adopt the same structural limitation: disciplinary information is to be confined to those with defined roles and a legitimate need to know.

126. Albany Law School did not adhere to these requirements. The administrative record provides no confirmation that Dean Taranto ever obtained the required confidentiality commitment from Professor Vincent M. Bonventre upon appointing him as Reporter. The Supplemental Investigation Report contains no reference to such a commitment, and nothing in the record suggests that Professor Bonventre was instructed to limit dissemination of disciplinary information in accordance with Chapter X. Instead, the SIR affirmatively documents the opposite.

127. Rather than conducting a confidential, bounded investigation, Professor Bonventre disclosed and discussed the disciplinary matter with individuals wholly outside the Chapter X framework.

128. The SIR states that Professor Bonventre did not meet with the complaining witness until after he had first met with senior administrators, at the complaining witness's insistence. SIR, Ex. B, at Attachment 6.

129. The Reporter then met with Professor Farley in the office of Associate Dean Jermaine Cruz, the Associate Dean for Inclusive Excellence, notwithstanding that the DEI office has no role in disciplinary investigations under Chapter X. *Id.* at p. 4.

130. These were not evidence-gathering meetings authorized by the Code; they were consultations with Professor Farley's allied, hand-picked administrators outside the disciplinary chain of command.

131. The Reporter's disclosures did not stop there. The SIR further confirms that Dean Cinnamon Carlarne personally met with members of the Albany Law Black Law Students Association regarding the pending disciplinary matter, and that Professor Bonventre thereafter acquiesced in the demands expressed by Dean Carlarne, Associate Dean Cruz, and Professor Farley that the BLSA's advocacy letter be incorporated into the "disciplinary considerations." SIR, Ex. B, at p. 3.

132. That letter was generated by a student organization advised and mentored by the complaining witness himself, was not authored by witnesses, and did not purport to provide firsthand factual evidence. Its creation and inclusion in the investigative record was made possible only because confidentiality had already been breached.

133. By failing to secure the Reporter's confidentiality commitment and then permitting the Reporter to circulate the matter among administrators, DEI personnel, and a student advocacy organization with no role in the disciplinary process, Albany Law School

transformed what Chapter X requires to be a confidential investigative process into an open, politically influenced consultation.

134. Confidentiality was not merely violated; it was abandoned. The Reporter did not act as a factfinder constrained by the Rules and especially the "Requirement of Confidentiality," but instead functioned as a conduit through which outside actors injected advocacy, pressure, and narrative framing into the disciplinary record.

135. Once that occurred, the integrity of the process was irreparably compromised.

136. Confidentiality is not a peripheral procedural nicety; it is the foundation upon which neutrality, fairness, and reliable fact-finding depend. Albany Law School's failure to enforce its own FERPA-based confidentiality requirements — and its acquiescence in the Reporter's disclosures and consultations outside the authorized process — rendered the resulting investigation and determination arbitrary and capricious within the meaning of CPLR § 7803(3).

POINT II

THE INVESTIGATION WAS IMPROPERLY CONTROLLED AND INFLUENCED BY INDIVIDUALS WITH NO DISCIPLINARY AUTHORITY, RENDERING THE PROCESS ARBITRARY AND CAPRICIOUS

137. Chapter X vests control of student disciplinary investigations in a defined and limited set of actors: the Dean or her designee to conduct the preliminary investigation (*see* Disciplinary Code, Ex. A, at § A(1)); the Reporter, who is charged with conducting a supplemental investigation (*id.* at § A(1)(e)(ii)); and finally, a panel consisting of three individuals to determine innocence or -guilt (*id.*).

138. The Code contemplates a linear and bounded process in which investigative authority flows from the Dean or designee to the Reporter, and in which fact-

gathering is conducted independently of outside influence. Chapter X does not authorize parallel supervision, oversight, or participation by DEI offices, student organizations, or senior administrators outside the authorized disciplinary chain of command.

139. The administrative record demonstrates that this structure was not followed. Instead of allowing the Reporter to conduct an independent supplemental investigation, Albany Law School permitted the investigation to be shaped, delayed, and substantively influenced by individuals who had no disciplinary authority under Chapter X and no legitimate role in the process.

140. The SIR reflects that Professor Farley, the complaining witness, effectively dictated the conditions under which the investigation could proceed. Rather than cooperating with the Reporter in the ordinary course, Professor Farley refused to meet with Professor Bonventre until after the Reporter had first met with handpicked student organizations and allied senior administrators to be "updated." This conditional cooperation placed control of the investigation in the hands of the complaining witness and inverted the investigative hierarchy established by the Code. An investigation that proceeds only when and how the complainant permits is not the neutral fact-finding process contemplated by Chapter X.

141. The SIR further documents that when the Reporter finally did interview Professor Farley over three months after the incident, the meeting took place in the office of Associate Dean Jermaine Cruz, the Associate Dean for Inclusive Excellence. The DEI office is not assigned any investigatory or supervisory role under Chapter X. Associate Dean Cruz was neither the Dean's designee for purposes of this matter nor a member of the disciplinary panel. Nevertheless, the Reporter's fact-gathering occurred in Cruz's office and in Cruz's presence,

thereby inserting a non-Code actor into the investigative process and exposing the investigation to considerations and influences outside the specified disciplinary framework.

142. In addition, the record shows that Dean Cinnamon Carlarne, despite having designated Dean Taranto to act as "the Dean" under Chapter X, substantively intervened in the investigation once the supplemental investigation began under Professor Bonventre. As reflected in the SIR and related correspondence, Dean Carlarne communicated with Professor Farley and Associate Dean Cruz about the disciplinary matter, met with members of a student advocacy organization aligned with the complaining witness, and thereafter conveyed expectations regarding what materials should be included in the "disciplinary considerations." These actions constituted supervision, direction, and influence over the investigative process by an official who no longer held that authority under the Disciplinary Code.

143. The improper control of the investigation extended beyond administrators to student actors. The SIR confirms that the Black Law Students Association was encouraged to submit a letter expressing its views regarding the incident, that this letter was treated as containing the observations of witnesses, and that it was pressed into the investigative record for consideration by the panel. Student organizations have no role under Chapter X in determining whether a student committed misconduct, and their opinions regarding guilt or innocence are not evidence. Allowing a student advocacy group to influence the investigation injected political, racial, and social pressure into a process that the Code requires to be neutral, fair, and evidence-based.

144. Taken together, these facts demonstrate that the investigation was not conducted by the officials authorized by Chapter X, nor was it controlled by the procedures the Chapter X Disciplinary Code prescribes. Instead, it was shaped by the complaining witness,

overseen and influenced by administrators without disciplinary authority, and informed by advocacy materials generated outside the disciplinary process. This diffusion of control destroyed the independence of the Reporter's investigation and replaced the Code's prescribed disciplinary framework with an ad hoc process responsive to political pressure rather than procedure.

145. An investigation conducted at the pleasure of the complaining witness, coordinated through unauthorized administrative offices, and influenced by student advocacy groups, is not a disciplinary investigation as contemplated by Chapter X. It is the very definition of arbitrary and capricious action: A process that departs from prescribed rules, lacks a rational procedural basis, and is driven by considerations extraneous to the governing Code.

POINT III

THE DEAN'S DUAL ROLE AS RECORD-SHAPER AND SPOUSE OF THE PANEL CHAIR DESTROYED BOTH THE APPEARANCE AND REALITY OF IMPARTIALITY, RENDERING THE ENTIRE PROCESS ARBITRARY AND CAPRICIOUS

146. Perhaps the most troubling aspect of this case is not a single procedural misstep, but the structural conflict of interest and agreed-to Conflict Management Plan that Dean Carlarne and Professor Hirokawa ignored in favor of Professor Farley's demands.

147. Under Chapter X, once the Dean designates a designee to conduct the preliminary investigation and a Reporter is selected to conduct a supplemental investigation, the Dean has no further role in the disciplinary process. Chapter X does not authorize the Dean to meet with the complainant, supervise the investigation, communicate with the Reporter regarding evidentiary content, meet with advocacy groups about a pending case, or dictate what materials must be considered by the hearing panel.

148. Notwithstanding that clear limitation, Dean Cinnamon Carlarne voluntarily and repeatedly injected herself into Petitioner's disciplinary matter. As documented in the Supplemental Investigation Report, at the urging of Professor Farley, Dean Carlarne met with the Reporter to "update" him, personally met with members of the Albany Law Black Law Students Association regarding the pending case, communicated with Associate Dean Cruz and the complaining witness about the substance of the investigation, and demanded that the BLSA's advocacy letter be included as part of the disciplinary considerations. These were not ministerial acts. They were substantive, outcome-directed interventions into a process from which Chapter X excluded her. *See* SIR, Ex. B, at § A(1).

149. The impropriety of that conduct is magnified by the fact that the adjudicatory panel was chaired by Professor Keith Hirokawa, the Dean's spouse. Thus, while Dean Carlarne was shaping the evidentiary record, influencing what materials would be placed before the panel, and responding to advocacy pressures generated by the complaining witness and his advised student organization, her spouse was presiding over the body tasked with determining Petitioner's innocence or guilt.

150. No reasonable reading of Chapter X permits this arrangement. The problem is not merely the appearance and reality of impropriety; it is the collapse of institutional role separation. A disciplinary system that allows the Dean to act as an off-the-books supervisor of and participant in the investigation while her spouse chairs the adjudicatory panel is not neutral by design. It is structurally biased.

151. Dean Carlarne, Professor Hirokawa, the Board of Trustees, and every member of the law school's faculty and staff were aware of the potential for professional conflicts of interest between the dean and her husband, and this includes Professor Bonventre,

who allowed it to happen on his watch and said nothing. Their awareness is established by the June, 2023 emails and Conflict Management Plan put in place by Albany Law School to protect against this very threat. *See* Exhibits C and D.

152. In direct contravention of her agreement with Albany Law School to avoid professional conflicts of interest with her husband, Dean Carlarne intervened in Petitioner's disciplinary proceeding knowing that her husband was chairing the panel. In turn, Professor Hirokawa declined to recuse himself from the panel despite the improper messaging and meddling he had received from his wife. Professor Bonventre, serving as Reporter, failed to raise the conflict at all and duly attached the BLSA letter addressed to Dean Carlarne to the SIR and incorporated its contents into his official report along with Dean Carlarne's instructions that it be considered by the panel.

153. Any remaining doubt as to the impact of this conflict is dispelled by the fact that Dean Carlarne's husband communicated to Petitioner and his advisor, in advance of any hearing, that guilt was inevitable if Petitioner proceeded. At that point, the conflict ceased to be theoretical and became concrete. The adjudicatory outcome had been prejudged, and the official process reduced to an afterthought and a formality in favor of the outcome the administration preferred.

154. This Court does not need to infer bias from circumstantial evidence or subjective perception; it is written into the record. Dean Carlarne's unauthorized involvement, coupled with her spouse's role as panel chair and his communicated predetermination, rendered the disciplinary process fundamentally unfair and violative not only of Chapter X but also basic principles of due process and fairness.

POINT IV

THE ESCALATION AND REFRAMING OF CHARGES WITHOUT NOTICE VIOLATED THE DISCIPLINARY CODE AND FUNDAMENTAL PRINCIPLES OF DUE PROCESS AND FAIRNESS.

155. The unauthorized escalation and reframing of the charge in this case was not an organic development arising from new evidence, nor was it the result of neutral investigative judgment. It was instead the direct and foreseeable consequence of sustained interference by the complaining witness, senior administrators with no role under Chapter X, and a student organization aligned with and advised by the complaining witness himself. Given that interference, the way the Supplemental Investigation Report ultimately recast the allegations was not surprising; it was exactly what those actors were pressing for.

156. As set forth above, the preliminary charge asserted by Dean Taranto alleged a narrow and specific set of conduct: classroom disruption and brief physical contact in the form of Petitioner placing a hand on Professor Farley's shoulder while leaving class. That charge did not allege assault, violence, force, racial animus, intimidation, or threat. It did not allege that the contact was harmful, offensive, or unwanted. It did not allege fear or injury. Under Chapter X, that charge defined the scope of the disciplinary process unless and until it was formally amended or supplanted with a new charge made with notice to Petitioner, which it never was.

157. The Supplemental Investigation Report, however, bore little resemblance to that original charge. In tone, framing, and substance, the SIR transformed the allegation of placing a hand on a shoulder into a narrative of a "slap," or "clap," that amounted to "tortious conduct." The SIR infused the incident with racial meaning and moral condemnation that had never been alleged in the charge and that mirrored, almost verbatim, the racial advocacy

advanced by Professor Farley, the Associate Dean for Diversity and Equity, the Black Law Students Association, and by extension, Dean Carlarne, who had indulged and championed their advocacy. This was not a coincidence. It was the product of pressure.

158. That pressure is documented in the SIR itself. The Reporter records that Professor Farley refused to cooperate with the investigation until meetings occurred between Professor Bonventre and senior administrators. The Reporter met with Professor Farley in the office of the Associate Dean for Inclusive Excellence, notwithstanding that the DEI office has no role in disciplinary investigations. The Dean of the Law School met with the BLSA regarding the pending case. And the Dean, the DEI administrator, and Professor Farley collectively insisted that the BLSA's advocacy letter be incorporated into the disciplinary considerations. These interventions were aimed at a single objective: reframing the incident as one of racialized violence and tortious conduct against a Black professor.

159. Once that objective was set, the outcome of the supplemental investigation was effectively predetermined. Professor Bonventre did not resist this pressure, limit the investigation to the charged conduct, or insist on procedural regularity. Instead, he adopted the framing urged upon him. The SIR reflects that adoption plainly. Language of force, aggression, and assault appears where none had existed before. Racial meaning is attributed to the incident where none had been charged. The original charge is no longer even recognizable in the final investigative report that was also inappropriately used to find guilt.

160. Crucially, this transformation occurred without any amendment of the charge and without any notice to Petitioner. At no point between the charge issued on March 4, 2025 and the delivery of the SIR on June 13, 2025, was Petitioner informed that he was now accused of assaultive or racially motivated conduct. At no point was he given the opportunity to

prepare a defense responsive to those theories. At no point was he told that the institution now viewed the same facts through a radically different and far more racial and punitive lens. Instead, the reframed narrative was embedded in the SIR and then presented to the disciplinary panel as if it were the same as the original charge.

161. In *Doe v. Skidmore*, 152 A.D.3d 932 (3d Dept. 2017), the Third Department found multiple failures by the college in not following its own rules, including a failure sufficiently to inform the student of the charges against him as was required by school policy. *Id.* at 935-36. The same occurred here, where the charges against Petitioner materially changed from the initial complaint (i.e., disruptive behavior by departing class early and placing hand on professor's shoulder while wishing him good luck) to the allegations and ultimate findings in the SIR that Petitioner "did slap Professor Farley on the back with some force." *See* SIR, attached to the Petition as Ex. B, at p. 5. Petitioner did not even receive notice of the de facto new charges until the SIR was provided to him on June 13, 2025, exactly five months after the incident.

162. In *Doe v. Skidmore*, as here, the delay in presenting the operative charges against Petitioner meant that he was interviewed by the Reporter without knowing that he was being investigated for anything beyond "plac[ing]" his hand on the complainant while politely addressing him, wishing him luck, and departing the classroom. Whereas the focus of the initial charge was on the alleged disruption caused by Petitioner's departure from the classroom, the charge investigated by the Reporter as depicted in the SIR focused almost entirely on the degree of force, now characterized as a "slap . . . on the back." The Third Department in *Doe* found the failure to provide notice of the actual charges until after the investigation was completed significant:

> As a result of this failure, petitioner did not learn the specific nature of the complainant's allegations against him until he received the initial draft of the investigation report, which took place *after* he had been interviewed by investigators and after the complainant and nine of the witnesses had also been interviewed regarding the allegations. The interview is a significant stage of the investigatory procedure, as it provides the sole opportunity during the process for an accused student to speak directly with investigators.

Matter of Doe v Skidmore Coll., 152 AD3d 932, 936 (3d Dept. 2017) (emphasis in original). The court further held:

> In particular, we find that the failure to establish the nature of the allegations at the outset of the proceeding by stating them in the complaint had an ongoing prejudicial effect upon petitioner's ability to prepare a defense that continued throughout the investigation and was aggravated by respondent's failure to notify him of a new factual allegation until after the investigation had closed.

Id. at 939.

163. The prejudice to Petitioner was compounded by the extraordinary delay in disclosure of the Supplemental Investigation Report itself. Petitioner was not provided with the SIR until many months after the classroom incident — long after memories had faded, the class in question had ended, Albany Law School was on summer break, witnesses had dispersed and even graduated, and any meaningful opportunity to respond to the evolving allegations had passed. By the time Petitioner saw the new investigative narrative that had been constructed about him, the process was already over in all but name, and the Reporter and the chair of the disciplinary panel had already judged him guilty without a hearing. He never was afforded a real chance to confront the escalation because the escalation was concealed until it was functionally irreversible.

164. This is not how notice works. A disciplinary process cannot be allowed to morph behind the scenes while the charged student remains bound to the original, far narrower

allegation. Chapter X does not permit an institution to transform a charge through investigative prose rather than formal amendment or a supplemental charge. Nor does basic fairness permit a student to be judged on a theory of wrongdoing that was never disclosed to him until after it had already been accepted as fact by decision-makers and his guilt had been determined.

165. In substance, the Supplemental Investigation Report functioned as a surrogate amended charge, but without any of the procedural safeguards that Chapter X requires. That defect is not technical. It is fundamental. And it is inseparable from the improper interference that preceded it. The escalation of the charge was not an accident of language; it was the intended result of an investigation that had ceased to be independent and had instead become a conduit for institutional and advocacy-driven pressure.

POINT V

THE REPORTER USURPED THE ROLE OF THE DISCIPLINARY PANEL AND VIOLATED CHAPTER X BY MAKING ADJUDICATIVE FINDINGS OF MISCONDUCT IN THE SUPPLEMENTAL INVESTIGATION REPORT

166. Chapter X draws a clear and deliberate distinction between the roles of the Reporter and the disciplinary panel. While the Reporter is authorized to conduct a supplemental investigation and to present the case against the accused student to a panel (*see* Chapter X, Ex. B, at § (A)(1)(e)(ii)), the Code reserves the adjudicative function — determining whether misconduct occurred and whether the Student Handbook was violated — exclusively to that panel. Chapter X does not authorize the Reporter to resolve disputed facts, characterize facts as misconduct, or announce conclusions regarding guilt to the specified evidentiary standard.

167. In this matter, the Reporter departed materially from that role-limitation. Rather than confining his report to a presentation of the evidence, the SIR reframed the charged conduct and embedded adjudicative conclusions within the investigative narrative itself.

168. As issued, the preliminary charge alleged that Petitioner had "placed" his hand on Professor Farley and wished him good luck before departing the classroom. The Supplemental Investigation Report abandoned that framing. The SIR shifted its focus to the alleged racial nature of Petitioner's conduct, recharacterized the physical contact as an assault, and incorporated the advocacy letter from the Black Law Students Association into the investigative record. See SIR, Ex. B, Attachment 7.

169. Specifically, whereas the original charge alleged only that Petitioner "plac[ed]" his hand on Professor Farley, the SIR characterized the same conduct as a "slap" or "clap" delivered "with considerably more force than mere touching or tapping." See SIR, Ex. B, at p. 5. That characterization resolved a central factual dispute — whether the contact was benign or assaultive — in a manner that Chapter X assigns to the disciplinary panel, not to the Reporter. The Reporter did not identify this issue as a disputed question for the panel's determination. Instead, the SIR presented the escalated characterization as an established fact and proceeded from that premise to a conclusion regarding the meaning of the conduct under the Code.

170. Based on those factual findings and characterizations, the Reporter went further still. Citing the clear-and-convincing evidentiary standard reserved to the panel, the SIR expressly stated that Petitioner had "engaged in misconduct within the meaning of the Student Handbook, Chapter X. Disciplinary Code." *See* SIR, Ex. B, at p. 5.

171. By making that determination, the Reporter crossed the boundary established by the Code and usurped the role of the disciplinary panel. The Reporter's role is "to

conduct a supplemental investigation and to present the case against the accused student to a panel." *See* Disciplinary Code, Ex. A, at § A(1)(e)(ii). Whether conduct constitutes "misconduct within the meaning of the Student Handbook" is the ultimate question entrusted to the panel, to be decided after hearing evidence[4] and applying the clear-and-convincing standard prescribed by Chapter X. The Reporter's announcement of that conclusion in the SIR effectively decided the case before the hearing could take place.

172. This procedural overreach was not harmless. The Supplemental Investigation Report prepared by the Reporter was transmitted to the panel as the central investigative record, framing the facts, characterizing the conduct, and announcing that the charged behavior already satisfied the definition of misconduct to a clear-and-convincing evidentiary standard. Through this misuse of the SIR, the Reporter embedded a finding of guilt into the record the panel was asked to review and consider, thereby compromising the neutrality of the adjudicative process.

173. An Article 78 proceeding does not require a showing that the Reporter acted with bad faith or improper motive. It is sufficient that the Reporter exceeded the authority conferred by Chapter X and performed an adjudicative function reserved to the panel. By reframing the charged conduct, resolving disputed facts, and declaring that Petitioner engaged in misconduct under the Code to evidentiary standard reserved to the panel, the Reporter violated the specified procedure and rendered the disciplinary process arbitrary and capricious within the meaning of CPLR § 7803(3).

[4] Petitioner was entitled to a hearing on the disciplinary charge under paragraph A(1)(f) and duly demanded it. The matter was resolved by stipulation dated October 23, 2025 before the hearing took place.

POINT VI

THE SUPPLEMENTAL INVESTIGATION WAS CONDUCTED IN A MANNER INCONSISTENT WITH CHAPTER X'S MANDATORY REQUIREMENT OF EXPEDITION, AND THE RESULTING DELAY PREJUDICED PETITIONER AND RENDERED THE PROCESS ARBITRARY AND CAPRICIOUS

174. Chapter X of the Disciplinary Code repeatedly emphasizes that student disciplinary matters must proceed with reasonable promptness. The Code provides that the preliminary investigation shall be conducted as soon as practicable, that charges shall be issued without undue delay, and that the disciplinary panel shall render its determination as soon as practicable following the hearing. Disciplinary Code, Ex. A, at §§ A(1)(b), A(1)(e)(i), and A(1)(e)(ii). The use of the word "shall" throughout these provisions is mandatory, not precatory, and reflects the Code's overarching purpose of ensuring an expedient and fair determination of disciplinary matters.

175. Although Chapter X does not restate the phrase "as soon as practicable" in the subsection addressing the Reporter's supplemental investigation, the supplemental investigation is not a standalone or optional phase of the process, it is an integral step situated between the charging decision and the panel's adjudication. The Reporter's investigation exists to facilitate, not frustrate, the timely progression of the disciplinary process required by the Code. A supplemental investigation that is delayed, obstructed, or diverted for reasons not authorized by Chapter X necessarily undermines the Code's mandatory timing requirements.

176. That is precisely what occurred here. The classroom incident occurred on January 13, 2025. The preliminary investigation and charging decision were completed, and a Reporter was appointed within approximately six weeks of that date. Yet the Supplemental Investigation Report was not completed until approximately four months later, and it was not provided to Petitioner until June 13, 2025, exactly five months after the incident and long after

the disciplinary process should have advanced toward hearing and resolution in accordance with Chapter X's repeated commands for expedition.

177. This delay was not attributable to the complexity of the facts, the unavailability of witnesses, or any legitimate investigative necessity. As reflected in the record, the delay resulted from unauthorized conditions imposed on the investigation by the complaining witness, Professor Farley, and acquiesced in by the Reporter. Professor Farley refused to cooperate with the supplemental investigation unless and until the Reporter first met with senior administrators and the BLSA — steps nowhere authorized by Chapter X. Those detours stalled the ordinary progression of the investigation and inserted extraneous processes that had no relationship to prompt fact-gathering.

178. Chapter X does not permit the pace of a disciplinary matter to be dictated by complainant-imposed conditions, administrative consultations outside the disciplinary framework, or the solicitation and consideration of third-party advocacy materials. When such obstacles are allowed to delay a supplemental investigation, the investigation ceases to function as an aid to adjudication and instead becomes a bottleneck that defeats the Code's express timing requirements.

179. The prejudice resulting from this delay was substantial. By the time the Supplemental Investigation Report was finally completed and disclosed to Petitioner on June 13, 2025, five months had passed since the incident. By that time, the academic term had concluded, the class in question was finished, and the students were on summer break and dispersed if not graduated. The delay meant that the entire disciplinary process had lost the immediacy contemplated by Chapter X. More significantly, the SIR introduced new and escalated characterizations of the charged conduct that were absent from the original charge. Because of

the delay, Petitioner was deprived of a meaningful opportunity to respond to those escalated allegations contemporaneously, when evidence and recollections were fresh, and when the process should have been moving toward resolution.

180. In prison discipline cases, Courts reviewing disciplinary determinations under CPLR § 7803(3) recognize that unjustified delay — particularly delay that frustrates notice, impairs the opportunity to be heard, or undermines the fairness of the process — constitutes a failure to follow lawful procedure and supports a finding that the determination was arbitrary and capricious. *See Di Rose v N.Y. State Dept. of Corr. Servs.,* 276 A.D.2d 842, 843 (3d Dept 2000) ("In view of these circumstances, we agree with petitioner's contention that the misbehavior report was not issued as soon as practicable as required by the regulation and that such delay violated his due process rights."). Here, the delay was not incidental or unavoidable. It was the direct product of procedural deviations and unauthorized interference with the supplemental investigation.

181. In sum, although Chapter X does not isolate the Reporter's supplemental investigation in a single timeliness provision, it unmistakably requires that the disciplinary process proceed with reasonable expedition. The prolonged and unjustified delay in completing and disclosing the Supplemental Investigation Report was incompatible with that requirement, materially prejudiced Petitioner, and rendered the disciplinary process arbitrary and capricious within the meaning of CPLR § 7803(3).

DECLARATORY JUDGMENT CLAIM

182. An actual, justiciable controversy exists concerning whether the disciplinary procedures employed by Albany Law School in this matter complied with Chapter X

of the Student Handbook, FERPA-derived confidentiality obligations, and fundamental requirements of fair process under New York law. Although Petitioner does not seek to vacate or disturb the disciplinary resolution ultimately reached by stipulation, the legality of the procedures that preceded that resolution remains a live and unresolved question because Petitioner plans to seek admission to the bar upon graduation with his juris doctor degree and his disciplinary file will be considered by the Committee on Character and Fitness.

183. Petitioner seeks declaratory relief not to punish Respondent or to regulate future disciplinary proceedings in the abstract, but to obtain a judicial determination that the disciplinary process employed against Petitioner in this case was unlawful and contrary to Albany Law School's written code.

184. Such declaratory relief is appropriate and necessary to clarify the parties' rights and obligations under Chapter X, to confirm that Respondent's procedures in this matter were unlawful, and to ensure that the resolution reached by stipulation is not misconstrued by the Committee on Character and Fitness as an endorsement of the process that produced it.

PRESERVATION OF STIPULATION AND LIMITATION OF ACTION

185. Nothing in this Petition seeks to disturb the disciplinary stipulation between the parties dated October 23, 2025. Petitioner accepted that stipulation under extraordinary pressure created by the unlawful process described above and has since taken the necessary steps in accordance with it to protect his academic standing and future legal career. Undoing the stipulated settlement at this point would cause more harm to Petitioner than he has already suffered, so this proceeding addresses only the legality of the process that led to that result.

186. In addition, Petitioner does not seek damages in this proceeding or ask this Court to adjudicate federal civil rights claims. The racialized advocacy and improper, DEI-driven interventions described above are referenced only to demonstrate the loss of neutrality, unlawful procedure, and arbitrary and capricious decision-making that took place here for purposes of CPLR § 7803(3).

SEALING OF ADMINISTRATIVE RETURN

187. Petitioner anticipates that the administrative return will include student education records and personally identifying information of non-party students, including the full SIR and class roster. Petitioner therefore intends to move for partial sealing and/or redaction pursuant to 22 NYCRR § 216.1 to protect FERPA interests and non-party privacy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court enter a judgment and order:

1. Pursuant to CPLR § 7803(3), declaring that the disciplinary process employed by Respondent Albany Law School against Petitioner was arbitrary and capricious and undertaken in violation of lawful procedure, including but not limited to violations of Chapter X of the Albany Law School Student Handbook and FERPA-derived confidentiality obligations;
2. Granting declaratory relief pursuant to CPLR § 3001, declaring that Respondent's conduct in connection with Petitioner's disciplinary proceeding violated Chapter X, breached mandatory confidentiality requirements, denied Petitioner fair notice and an opportunity to be heard, and compromised the neutrality of the adjudicatory process;
3. Clarifying, by way of such declaratory relief, that the disciplinary resolution ultimately reached by stipulation on October 23, 2025, does not constitute a waiver, ratification, or validation of the disciplinary procedures that preceded it;

4. Directing, to the extent necessary, that Respondent's future interpretation and application of Chapter X and its confidentiality provisions be consistent with the declarations made herein;

5. Granting partial sealing of those exhibits and portions of the record, including Exhibit B hereto and the administrative return, containing sensitive educational records and confidential student information, pursuant to 22 NYCRR § 216.1;

6. Awarding Petitioner costs and disbursements of this proceeding; and

7. Granting such other and further relief as the Court deems just and proper.

Dated: January 7, 2026
Buffalo, New York

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VERIFICATION

I, John Doe, affirm under penalties of perjury pursuant to CPLR § 2106 that I am the Petitioner in this proceeding; that I have read the foregoing Petition and know the contents thereof; and that the same is true to my own knowledge, except as to matters stated upon information and belief, and as to those matters I believe them to be true.

John Doe

John Doe, Petitioner