

2931

2011-2012 Regular Sessions

I N   S E N A T E

February 3, 2011

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Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to student activity fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 355 of the education law is amended by adding a new  
2     subdivision 20 to read as follows:  
3     20. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSI-  
4     TY OF THE STATE UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCES-  
5     SIBLE WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL  
6     INCLUDE, BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE  
7     RULES AND PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE  
8     NAME AND MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED  
9     FUNDING FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE  
10    REQUIREMENT THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE  
11    ALL STUDENTS ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING  
12    DECISIONS SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO  
13    THE VIEWPOINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A  
14    REFERENDUM SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH  
15    IS TO DETERMINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR  
16    VOLUNTARY.  
17    B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR  
18    IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT  
19    LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE  
20    OR UNIVERSITY OPERATED BY THE STATE UNIVERSITY SHALL DETERMINE BY REFER-  
21    ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER  
22    VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED  
23    ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH  
24    TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER  
25    NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-  
26    MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY  
27    POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS  
28    PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH  
29    NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS BEFORE THE STUDENT BODY.

C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM STUDENT ACTIVITY FEE PROCEEDS.

D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZATION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGISTERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFICER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

S 2. Section 6215 of the education law is amended by adding a new subdivision 4 to read as follows:

4. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSITY OF THE CITY UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETERMINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE OR UNIVERSITY OPERATED BY THE CITY UNIVERSITY SHALL DETERMINE BY REFERENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETERMINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS BEFORE THE STUDENT BODY.

C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM STUDENT ACTIVITY FEE PROCEEDS.

D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION

1 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM  
2 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

3 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-  
4 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED  
5 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE  
6 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-  
7 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-  
8 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

9 S 3. Section 6304 of the education law is amended by adding a new  
10 subdivision 1-a to read as follows:

11 1-A. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COMMUNITY COLLEGE  
12 SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE WEBSITE A NOTICE  
13 REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE, BUT NOT BE  
14 LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND PROCEDURES  
15 FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND MISSION  
16 STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING FROM SUCH  
17 FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT THAT ALL  
18 FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS ARE GIVEN  
19 THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS SHALL BE MADE  
20 IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE  
21 ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM SHALL BE HELD  
22 AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETERMINE WHETHER  
23 THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

24 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR  
25 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT  
26 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COMMUNI-  
27 TY COLLEGE SHALL DETERMINE BY REFERENDUM WHETHER STUDENT ACTIVITY  
28 PROGRAMS SHALL BE SUPPORTED BY EITHER VOLUNTARY OR MANDATORY STUDENT  
29 FEES. SUCH REFERENDUM SHALL BE CONDUCTED ON CAMPUS AT AN EASILY ACCESSI-  
30 BLE POLLING PLACE OR PLACES AND AT SUCH TIME AS SHALL BE CONVENIENT FOR  
31 THE GREATEST NUMBER OF STUDENTS. UNDER NO CIRCUMSTANCES SHALL FUNDING  
32 FOR ANY PARTICULAR ORGANIZATION BE DETERMINED BY REFERENDUM. NOTICE OF  
33 SUCH REFERENDUM SHALL BE CONSPICUOUSLY POSTED AT SEVERAL LOCATIONS ON  
34 CAMPUS FOR NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE  
35 REFERENDUM SHALL BE CONDUCTED. SUCH NOTICE SHALL INCLUDE, BUT NOT BE  
36 LIMITED TO, THE DATE ON WHICH THE REFERENDUM WILL BE HELD, THE TIMES  
37 DURING WHICH POLLING PLACES WILL BE OPEN, THE LOCATION OF ALL POLLING  
38 PLACES, AND THE QUESTION OR QUESTIONS BEFORE THE STUDENT BODY.

39 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY  
40 THE REPRESENTATIVE STUDENT ORGANIZATION IN ACCORDANCE WITH PROCEDURES  
41 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM  
42 STUDENT ACTIVITY FEE PROCEEDS.

43 D. DISBURSEMENT OF FUNDS. PROCEEDS OF THE STUDENT ACTIVITY FEE SHALL  
44 BE DISBURSED BY THE REPRESENTATIVE STUDENT ORGANIZATION IN A FAIR AND  
45 NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE ORGANIZATION  
46 REQUESTING FUNDING. ALL FUNDING DECISIONS SHALL BE MADE IN AN OPEN FORUM  
47 WHERE MEMBERS OF THE STUDENT BODY ARE GIVEN AN OPPORTUNITY TO COMMENT.

48 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-  
49 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED  
50 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE  
51 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-  
52 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-  
53 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

54 S 4. This act shall take effect on the first of August next succeeding  
55 the date on which it shall have become a law.