STATE OF NEW YORK

3942

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. RAGA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to ensuring free speech on all college and university campuses within the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 6438-d to read as follows:

§ 6438-d. Free speech protections. 1. The trustees or other governing board of every college chartered by the regents or incorporated by special act of the legislature and which maintains a campus, unless otherwise provided, shall adopt written rules for implementing a policy on free speech. Such policy shall include, but not be limited to, that such college shall not make or enforce a rule subjecting a student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside the campus or facility of such college, is protected from governmental restriction by the first amendment of the United States constitution and section eight of article one of the New York state constitution.

2. This section shall not:

(a) apply to a private postsecondary educational institution that is controlled by a religious organization, to the extent that the application of this section would not be consistent with the religious tenets of the organization.

(b) authorize the prior restraint of student speech.

(c) prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(d) prohibit an institution from adopting rules, regulations, or policies that are designed to prevent hate from being directed at students in a manner that denies them their full participation in the educational process, so long as the rules and regulations conform to standards

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

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established by the first amendment of the United States constitution and section eight of article one of the New York state constitution for citizens generally.

3. A person whose expressive rights are infringed upon by a violation of this section or the policy adopted under subdivision one of this section may bring an action in a court of competent jurisdiction to enjoin a violation of this section and to recover compensatory damages, court costs, and attorneys' fees.

§ 2. This act shall take effect immediately.