STATE OF NEW YORK

4669

2025-2026 Regular Sessions

IN SENATE

February 11, 2025

Introduced by Sens. COMRIE, STAVISKY, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the executive law, in relation to harassment of students and applicants at certain educational institutions

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

Section 1. Short title. This act shall be known and may be cited as the "assuring college campus and educational safety and support (ACCESS) act".

§ 2. Subdivision 4 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, is amended to read as follows:

4. **(a)** It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, **or with respect to any program, class or activity, to exclude from participation, deny the benefits thereof, or subject to discrimination,** or to permit the harassment of any student or applicant, by reason of [~~his~~] **such individual's** race, color, religion, disability, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, marital status, or status as a victim of domestic violence, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

(b) For the purposes of paragraph (a) of this subdivision, harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of services, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims, because of the individual's membership in one or more of the protected categories listed in paragraph (a) of this subdivision. The fact that such individual did not

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

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make a complaint about the harassment to the educational institution shall not be determinative of whether such educational institution shall be liable. Nothing in this subdivision shall imply that a student or applicant shall be required to demonstrate the existence of an individual to whom such student's or applicant's treatment shall be compared. It shall be an affirmative defense to liability under this subdivision that harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

(c) An educational institution shall be deemed to have permitted harassment under paragraph (a) of this subdivision if such educational institution fails to act with reasonable care to prevent acts of harassment or to promptly curtail and remedy acts of harassment.

(d) A college or university shall also be deemed to have permitted harassment under paragraph (a) of this subdivision if such college or university fails to:

(1) promulgate rules that prohibit harassment, including but not limited to harassment that is an unlawful discriminatory practice pursuant to paragraph (b) of this subdivision;

(2) establish mechanisms and procedures for students and applicants to report incidents of harassment;

(3) establish mechanisms and procedures to respond to and stop incidents of harassment, and to investigate and adjudicate violations of rules established in accordance with subparagraph one of this paragraph;

(4) provide for penalties sufficient to reasonably deter violations of rules established in accordance with subparagraph one of this paragraph;

(5) clearly communicate to students, applicants, faculty, and staff the rules, mechanisms, procedures, and penalties established in accordance with subparagraphs one, two, three and four of this paragraph;

(6) consistently and effectively administer the rules, mechanisms, procedures, and penalties established in accordance with subparagraphs one, two, three and four of this paragraph; or

(7) take reasonable measures to prevent the presence on such college's or university's campus or at college or university facilities and events of individuals who are not affiliated with the college or university and who engage in the harassment of students or applicants.

§ 3. This act shall take effect immediately.