

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. DESTI-
TO, MAYERSOHN, J. RIVERA, ROBINSON -- read once and referred 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 ASSEM-
BLY, 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

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

LBD02190-01-1

1 NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-
2 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY
3 POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS
4 PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH
5 NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE
6 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE
7 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS
8 BEFORE THE STUDENT BODY.

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

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

18 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-
19 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED
20 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE
21 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-
22 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-
23 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

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

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

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

55 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY
56 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 3. Section 6304 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-A. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COMMUNITY COLLEGE 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 COMMUNITY COLLEGE 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 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 REGIS-

1 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-
2 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.
3 S 4. This act shall take effect on the first of August next succeeding
4 the date on which it shall have become a law.