1401

2013-2014 Regular Sessions

IN ASSEMBLY

(PREFILED)

January 9, 2013

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. 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 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 WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL SIBLE INCLUDE, BUT NOT BE LIMITED TO: (1) THE PURPOSE OF 6 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 STUDENTS ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING 11 ALL 12 DECISIONS SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD ΤO THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A 13 THE VIEWPOINTS OF REFERENDUM SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF 14 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 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE 19 OR UNIVERSITY OPERATED BY THE STATE UNIVERSITY SHALL DETERMINE BY REFER-20 21 WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER ENDUM 22 VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND 23 ΑT SUCH SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER 24 TIME AS

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

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NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-1 2 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY 3 SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS POSTED AT 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 OUESTION OR OUESTIONS 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.

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.

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

B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR 39 40 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE 41 UNIVERSITY OPERATED BY THE CITY UNIVERSITY SHALL DETERMINE BY REFER-42 OR 43 ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER 44 VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH 45 ON TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER 46 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 THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH PRIOR TO NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE 51 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE 52 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS 53 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 1 ESTABLISHED ON EACH CAMPUS SHALL BE ELIGIBLE TO RECEIVE FUNDING FROM 2 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.

8 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-9 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED 10 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE 11 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS-12 TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-13 CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE.

14 S 3. Section 6304 of the education law is amended by adding a new 15 subdivision 1-a to read as follows:

16 1-A. STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COMMUNITY COLLEGE 17 SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE WEBSITE A NOTICE 18 REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE, BUT NOT BE 19 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 20 21 STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT THAT 22 ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS ARE GIVEN 23 THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS SHALL BE MADE 24 25 IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEWPOINTS OF THE 26 ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM SHALL BE HELD 27 LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETERMINE WHETHER AΤ 28 THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR VOLUNTARY.

29 B. REFERENDUM. PRIOR TO THE CLOSE OF THE FIRST FULL ACADEMIC YEAR IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, AND AT 30 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COMMUNI-31 32 TY COLLEGE SHALL DETERMINE BY REFERENDUM WHETHER STUDENT ACTIVITY 33 PROGRAMS SHALL BE SUPPORTED BY EITHER VOLUNTARY OR MANDATORY STUDENT 34 FEES. SUCH REFERENDUM SHALL BE CONDUCTED ON CAMPUS AT AN EASILY ACCESSI-BLE POLLING PLACE OR PLACES AND AT SUCH TIME AS SHALL BE CONVENIENT FOR 35 GREATEST NUMBER OF STUDENTS. UNDER NO CIRCUMSTANCES SHALL FUNDING 36 THE 37 FOR ANY PARTICULAR ORGANIZATION BE DETERMINED BY REFERENDUM. NOTICE OF 38 SUCH REFERENDUM SHALL BE CONSPICUOUSLY POSTED AT SEVERAL LOCATIONS ON 39 CAMPUS FOR NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE ON WHICH THE 40 REFERENDUM SHALL BE CONDUCTED. SUCH NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE REFERENDUM WILL BE HELD, 41 THE TIMES DURING WHICH POLLING PLACES WILL BE OPEN, THE LOCATION OF ALL POLLING 42 43 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.

53 E. APPEAL OF FUNDING DECISIONS. THE REPRESENTATIVE STUDENT ORGANIZA-54 TION ON EACH CAMPUS SHALL CREATE AN APPEALS PROCESS FOR REGISTERED 55 STUDENT ORGANIZATIONS COMPLAINING OF VIEWPOINT DISCRIMINATION IN THE 56 FUNDING PROCESS. AFTER EXHAUSTING STUDENT REVIEW, AN AGGRIEVED REGIS- A. 1401

TERED STUDENT ORGANIZATION MAY APPEAL TO THE CHIEF ADMINISTRATIVE OFFI-

CER OF EACH CAMPUS, OR HIS OR HER DESIGNEE. S 4. This act shall take effect on the first of August next succeeding the date on which it shall have become a law.