1835

2015-2016 Regular Sessions

IN ASSEMBLY

January 13, 2015

Introduced by M. of A. GUNTHER, CRESPO, HOOPER -- Multi-Sponsored by --M. of A. PERRY, 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 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 MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED NAME AND 9 FUNDING FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE 10 ALL STUDENTS ARE GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING 11 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 REFERENDUM SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH 14 IS TO DETERMINE WHETHER THE STUDENT ACTIVITY FEE SHALL BE MANDATORY OR 15 16 VOLUNTARY.

17 в. 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 OR UNIVERSITY OPERATED BY THE STATE UNIVERSITY SHALL DETERMINE BY REFER-20 ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE 21 SUPPORTED BY EITHER VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED 22 23 AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH ON CAMPUS 24 TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER 25 NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-

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

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1 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY 2 POSTED AT SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS 3 PRIOR TO THE DATE ON WHICH THE REFERENDUM SHALL BE CONDUCTED. SUCH 4 NOTICE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE ON WHICH THE 5 REFERENDUM WILL BE HELD, THE TIMES DURING WHICH POLLING PLACES WILL BE 6 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS 7 BEFORE THE STUDENT BODY.

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

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

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

25 STUDENT ACTIVITY FEE. A. DISCLOSURE. EVERY COLLEGE OR UNIVERSITY 4. OF THE CITY UNIVERSITY SHALL CONSPICUOUSLY POST ON A PUBLICLY ACCESSIBLE 26 WEBSITE A NOTICE REGARDING THE STUDENT ACTIVITY FEE WHICH SHALL INCLUDE, 27 BUT NOT BE LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES 28 AND PROCEDURES FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND 29 MISSION STATEMENT OF EACH STUDENT ORGANIZATION THAT RECEIVED FUNDING 30 FROM SUCH FEE DURING THE PREVIOUS ACADEMIC YEAR, (4) THE REQUIREMENT 31 32 THAT ALL FUNDING DECISIONS BE MADE IN AN OPEN FORUM WHERE ALL STUDENTS 33 GIVEN THE OPPORTUNITY TO COMMENT, (5) THAT ALL FUNDING DECISIONS ARE SHALL BE MADE IN A FAIR AND NEUTRAL MANNER WITHOUT REGARD TO THE VIEW-34 POINTS OF THE ORGANIZATION REQUESTING FUNDING, AND (6) THAT A REFERENDUM 35 SHALL BE HELD AT LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETER-36 37 MINE 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 38 39 40 LEAST ONCE EVERY TWO YEARS THEREAFTER, THE STUDENT BODY AT EACH COLLEGE OR UNIVERSITY OPERATED BY THE CITY UNIVERSITY SHALL DETERMINE BY REFER-41 ENDUM WHETHER STUDENT ACTIVITY PROGRAMS SHALL BE SUPPORTED BY EITHER 42 43 VOLUNTARY OR MANDATORY STUDENT FEES. SUCH REFERENDUM SHALL BE CONDUCTED 44 ON CAMPUS AT AN EASILY ACCESSIBLE POLLING PLACE OR PLACES AND AT SUCH 45 TIME AS SHALL BE CONVENIENT FOR THE GREATEST NUMBER OF STUDENTS. UNDER NO CIRCUMSTANCES SHALL FUNDING FOR ANY PARTICULAR ORGANIZATION BE DETER-46 47 MINED BY REFERENDUM. NOTICE OF SUCH REFERENDUM SHALL BE CONSPICUOUSLY SEVERAL LOCATIONS ON CAMPUS FOR NOT LESS THAN FIFTEEN DAYS 48 POSTED AT 49 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 50 51 OPEN, THE LOCATION OF ALL POLLING PLACES, AND THE QUESTION OR QUESTIONS 52 53 BEFORE THE STUDENT BODY.

54 C. ELIGIBILITY FOR FUNDING. ANY GROUP THAT IS OFFICIALLY RECOGNIZED BY 55 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:

1-A. STUDENT ACTIVITY FEE. A. DISCLOSURE. 16 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 BE19 LIMITED TO: (1) THE PURPOSE OF SUCH FEE, (2) THE RULES AND PROCEDURES 20 FOR THE ALLOCATION OF FUNDS FROM SUCH FEE, (3) THE NAME AND MISSION 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 LEAST EVERY TWO YEARS THE PURPOSE OF WHICH IS TO DETERMINE WHETHER 27 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 PLACES, AND THE QUESTION OR QUESTIONS BEFORE THE STUDENT BODY. 43

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-

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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.