

# STATE OF NEW YORK

232

2017-2018 Regular Sessions

## IN ASSEMBLY

January 5, 2017

Introduced by M. of A. GUNTHER, CRESPO, HOOPER -- Multi-Sponsored by --  
M. of A. PERRY, RIVERA -- 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 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  
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.

12 d. Disbursement of funds. Proceeds of the student activity fee shall  
13 be disbursed by the representative student organization in a fair and  
14 neutral manner without regard to the viewpoints of the organization  
15 requesting funding. All funding decisions shall be made in an open forum  
16 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 § 2. Section 6215 of the education law is amended by adding a new  
24 subdivision 4 to read as follows:

25 4. Student activity fee. a. Disclosure. Every college or university  
26 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 from such fee during the previous academic year, (4) the requirement  
32 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 shall be held at least every two years the purpose of which is to deter-  
37 mine whether the student activity fee shall be mandatory or voluntary.

38 b. Referendum. Prior to the close of the first full academic year  
39 immediately following the effective date of this subdivision, and at  
40 least once every two years thereafter, the student body at each college  
41 or university operated by the city university shall determine by refer-  
42 endum whether student activity programs shall be supported by either  
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  
46 no circumstances shall funding for any particular organization be deter-  
47 mined by referendum. Notice of such referendum shall be conspicuously  
48 posted at several locations on campus for not less than fifteen days  
49 prior to the date on which the referendum shall be conducted. Such  
50 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 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.

3 d. Disbursement of funds. Proceeds of the student activity fee shall  
4 be disbursed by the representative student organization in a fair and  
5 neutral manner without regard to the viewpoints of the organization  
6 requesting funding. All funding decisions shall be made in an open forum  
7 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 § 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  
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  
22 fee during the previous academic year, (4) the requirement that all  
23 funding decisions be made in an open forum where all students are given  
24 the opportunity to comment, (5) that all funding decisions shall be made  
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 at least every two years the purpose of which is to determine whether  
28 the student activity fee shall be mandatory or voluntary.

29 b. Referendum. Prior to the close of the first full academic year  
30 immediately following the effective date of this subdivision, and at  
31 least once every two years thereafter, the student body at each communi-  
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-  
35 ble polling place or places and at such time as shall be convenient for  
36 the greatest number of students. Under no circumstances shall funding  
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  
41 limited to, the date on which the referendum will be held, the times  
42 during which polling places will be open, the location of all polling  
43 places, and the question or questions before the student body.

44 c. Eligibility for funding. Any group that is officially recognized by  
45 the representative student organization in accordance with procedures  
46 established on each campus shall be eligible to receive funding from  
47 student activity fee proceeds.

48 d. Disbursement of funds. Proceeds of the student activity fee shall  
49 be disbursed by the representative student organization in a fair and  
50 neutral manner without regard to the viewpoints of the organization  
51 requesting funding. All funding decisions shall be made in an open forum  
52 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-

1 tered student organization may appeal to the chief administrative offi-  
2 cer of each campus, or his or her designee.  
3 § 4. This act shall take effect on the first of August next succeeding  
4 the date on which it shall have become a law.