

# STATE OF NEW YORK

10303

## IN SENATE

May 12, 2026

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the civil service law, and the civil rights law, in relation to protecting academic freedom for employees at higher education institutions

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

1 Section 1. Subparagraph (iii) of paragraph (a) of subdivision 2 of  
2 section 6401 of the education law, as amended by chapter 717 of the laws  
3 of 1981, is amended to read as follows:

4 (iii) The institution must meet such standards of educational quality  
5 applicable to comparable public institutions of higher education, as may  
6 be from time to time established by the regents. Such standards shall  
7 not infringe upon the academic freedom of any faculty member, librarian,  
8 or other staff, regardless of the specific nature of an academic  
9 appointment, be it initial, multi-year, temporary, permanent, or  
10 adjunct. For purposes of this section, academic freedom shall be defined  
11 by the "1940 Statement of Principles on Academic Freedom and Tenure with  
12 1970 Interpretive Comments" from the American Association of University  
13 Professors and shall include:

14 (A) Freedom in research and publication where these activities do not  
15 interfere with adequate performance of academic duties;

16 (B) Freedom in the classroom to discuss controversial issues relevant  
17 to the discipline;

18 (C) Extramural free speech and publication, though nothing in this  
19 section shall be construed to authorize any speech that involves true  
20 threats or incitement to imminent lawless action; and

21 (D) Intramural free speech.

22 § 2. Subdivision 1 of section 6430 of the education law, as amended by  
23 chapter 75 of the laws of 2004, is amended to read as follows:

24 1. The trustees or other governing board of every college chartered by  
25 the regents or incorporated by special act of the legislature and which  
26 maintains a campus, unless otherwise provided, shall adopt written rules  
27 for implementing all policies required pursuant to this article and for

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

LBD15726-01-6

1 the maintenance of public order on college campuses and other college  
2 property used for educational purposes and provide a program for the  
3 enforcement thereof. Such rules shall prohibit, among other things, any  
4 action or situation which recklessly or intentionally endangers mental  
5 or physical health or involves the forced consumption of liquor or drugs  
6 for the purpose of initiation into or affiliation with any organization.  
7 Such rules shall govern the conduct of students, faculty and other staff  
8 as well as visitors and other licensees and invitees on such campuses  
9 and property. The penalties for violations of such rules shall be  
10 clearly set forth therein and shall include provisions for the ejection  
11 of a violator from such campus and property, in the case of a student or  
12 faculty violator [~~his or her~~] their suspension, expulsion, or other  
13 appropriate disciplinary action, and in the case of an organization  
14 which authorizes such conduct, rescision of permission for that organiza-  
15 tion to operate on campus property. Such penalties shall be in addition  
16 to any penalty pursuant to the penal law or any other law to which a  
17 violator or organization may be subject. Such rules shall not infringe  
18 upon the academic freedom of any faculty member, librarian, or other  
19 staff, regardless of the specific nature of an academic appointment, be  
20 it initial, multi-year, temporary, permanent, or adjunct. For purposes  
21 of this section, academic freedom shall be defined by the "1940 State-  
22 ment of Principles on Academic Freedom and Tenure with 1970 Interpretive  
23 Comments" from the American Association of University Professors and  
24 shall include:

25 (a) Freedom in research and publication where these activities do not  
26 interfere with adequate performance of academic duties;

27 (b) Freedom in the classroom to discuss controversial issues relevant  
28 to the discipline;

29 (c) Extramural free speech and publication, though nothing in this  
30 section shall be construed to authorize any speech that involves true  
31 threats or incitement to imminent lawless action; and

32 (d) Intramural free speech.

33 § 3. The civil service law is amended by adding a new section 216 to  
34 read as follows:

35 § 216. Academic freedom violations at public higher education insti-  
36 tutions. 1. A unionized employee, covered under the definition of  
37 academic freedom in subdivision one of section sixty-four hundred thirty  
38 of the education law, at a public higher education institution in the  
39 state alleging a violation of academic freedom, as so defined, shall  
40 have the option to submit such grievances to final and binding arbi-  
41 tration with the employer institution, before a mutually agreed upon  
42 arbitrator.

43 2. Where an employee at a public higher education institution reason-  
44 ably believes dismissal or other disciplinary action would not have been  
45 taken but for a violation of such faculty member's academic freedom, as  
46 defined in subdivision one of section sixty-four hundred thirty of the  
47 education law, such employee may assert such as a defense before the  
48 designated arbitrator. The merits of such defense shall be considered  
49 and determined as part of the arbitration award. If there is a finding  
50 that the dismissal or other disciplinary action is motivated, at least  
51 in part, by a violation by the employer of such subdivision, the arbi-  
52 trator shall dismiss or recommend dismissal of the disciplinary proceed-  
53 ing, as appropriate, and, if appropriate, reinstate the employee with  
54 back pay. The arbitrator may take other appropriate action as is  
55 permitted in the collectively negotiated agreement.

1 § 4. The civil rights law is amended by adding a new section 79-r to  
2 read as follows:

3 § 79-r. Academic freedom violations at higher education institutions.  
4 1. Any employee at a higher education institution in the state, covered  
5 under the definition of academic freedom in subparagraph (iii) of para-  
6 graph (a) of subdivision two of section sixty-four hundred one of the  
7 education law, alleging a violation of academic freedom, as so defined,  
8 may bring an action against the employer institution in any court of  
9 competent jurisdiction for damages, including punitive damages, for  
10 declaratory and injunctive relief, and such other remedies as the court  
11 may deem appropriate.

12 2. In any action brought pursuant to this section, the court may award  
13 to the prevailing plaintiff reasonable attorney's fees and expert fees.

14 § 5. This act shall take effect immediately.