STATE OF NEW YORK

11415

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Moreno) -- read once and referred 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:

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

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

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

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

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

(D) Intramural free speech.

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

1. The trustees or other governing board of every college chartered by the regents or incorporated by special act of the legislature and which maintains a campus, unless otherwise provided, shall adopt written rules 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.

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

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

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

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

(d) Intramural free speech.

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

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

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

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

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

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

§ 5. This act shall take effect immediately.