

STATE OF NEW YORK

7400

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to implementing a students' bill of rights for state university of New York and city university of New York institutions

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

Section 1. The education law is amended by adding a new article 129-C to read as follows:

ARTICLE 129-C

IMPLEMENTATION BY COLLEGES AND UNIVERSITIES OF A STUDENTS' BILL OF RIGHTS

Section 6450. Students' bill of rights.

§ 6450. Students' bill of rights. 1. As used in this section, the following terms shall have the following meanings:

a. "Institution" shall mean any college or university in the state university of New York or city university of New York.

b. "School-sponsored media" means any material that is prepared, written, published, or broadcast by a student journalist at an institution, distributed or generally made available to members of the student body or the public. "School-sponsored media" shall not include media intended for distribution or transmission solely in the classroom in which the media is produced.

c. "Student journalist" means a student enrolled in an institution who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

d. "Student media advisor" means an individual employed, appointed, or designated by an institution to supervise or provide instruction relating to school-sponsored media.

2. Every institution shall adopt written rules implementing this section by amending its code of conduct or other comparable policies. A

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

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1 copy of such rules and policies shall be provided by each institution to
2 all students enrolled in said institution using a method and manner
3 appropriate to its institutional culture. Each institution shall also
4 post such rules and policies on its website in an easily accessible
5 manner to the public.

6 3. Every institution shall adopt and implement the following
7 "Students' Bill of Rights":

8 a. (i) The elected student leader shall be able to message the student
9 body through e-mail, or a substantially equivalent system utilized by
10 the institution to communicate with the student body, without prior
11 restraint of material included in such message or communication except
12 for material described in subparagraph (vi) of paragraph e of this
13 subdivision.

14 (ii) No expression made by an elected student leader which is
15 protected by this paragraph shall be deemed to be an expression of poli-
16 cy, opinion or position of the institution, nor shall any such
17 expression be considered to be an endorsement in any way by the institu-
18 tion and no institution, employee, parent, legal guardian or administra-
19 tor of an institution shall be held liable in any civil or criminal
20 action for any expression made by an elected student leader, except in
21 cases of willful or wanton misconduct. Nothing in this paragraph shall
22 be construed to create any private action on behalf of a student other
23 than to seek injunctive relief allowing the messaging or communication
24 in question.

25 b. All student conduct cases shall have student participation on the
26 body judging student conduct.

27 c. All institution policy-making bodies shall have student represen-
28 tation on such body in policy-making roles for any policy affecting
29 students.

30 d. All students shall have access to designated student free speech
31 spaces on campus.

32 e. (i) A student journalist shall have the right to exercise free
33 speech and of the press in institution-sponsored media, regardless of
34 whether the media is supported financially by the institution or by use
35 of the facilities of an institution or produced in conjunction with a
36 class in which the student is enrolled.

37 (ii) A student journalist shall be responsible for determining the
38 news, opinion, and feature content of school-sponsored media.

39 (iii) There shall be no prior restraint of material prepared for offi-
40 cial publications of an institution except for the material described in
41 subparagraph (vi) of this paragraph.

42 (iv) No student media advisor or employee shall be dismissed,
43 suspended, disciplined, reassigned, transferred, or otherwise retaliated
44 against solely for acting to protect a pupil engaged in the conduct
45 authorized under this paragraph; and further no student media advisor or
46 employee shall be dismissed, suspended, disciplined, reassigned, trans-
47 ferred or otherwise retaliated against solely for an action, undertaken
48 in good faith with this paragraph, which results in the prohibition of
49 the publication of speech pursuant to this paragraph.

50 (v) Nothing in this paragraph shall preclude a student media advisor
51 from teaching professional standards of English and journalism to
52 student journalists or from grading the performance of a student in
53 accordance with such standards.

54 (vi) Nothing in this paragraph shall impose a duty on institution
55 administrators to review school-sponsored media prior to publication. To
56 the extent that an institution administrator chooses to engage in pre-

1 publication review, the following forms of expression shall not be
2 protected by this article:

3 (1) Expression that is libelous, slanderous or obscene;

4 (2) Expression that constitutes an unwarranted invasion of privacy;

5 (3) Expression that violates federal or state law; or

6 (4) Expression that incites students to commit an unlawful act where
7 such unlawful act would be both imminent and likely to occur, to violate
8 the policies of the institution, or to materially and substantially
9 disrupt the orderly operation of such institution.

10 (vii) No expression made by students in the exercise of free speech or
11 freedom of the press protected by this paragraph shall be deemed to be
12 an expression of policy, opinion or position of the institution, nor
13 shall any such expression be considered to be an endorsement in any way
14 by the institution and no institution, student media advisor, employee,
15 parent, legal guardian or administrator of an institution shall be held
16 liable in any civil or criminal action for any expression made or
17 published by students, except in cases of willful or wanton misconduct.
18 Nothing in this paragraph shall be construed to create any private
19 action on behalf of a student other than to seek injunctive relief
20 allowing the publication of the speech in question.

21 (viii) Political expression by students in school-sponsored media
22 shall not be deemed the use of public funds for political purposes.

23 f. The elected student government shall decide how funds from student
24 activity fees are allocated. Where an institution does not have an
25 elected student government, such institution shall develop a process to
26 allow for the student body to determine how student activity fees are
27 allocated. An institution shall not block a student activity fee funding
28 allocation decision made pursuant to this paragraph as long as such
29 allocation conforms with the student activity fee policies of the insti-
30 tution.

31 § 2. This act shall take effect on the first of July next succeeding
32 the date on which it shall have become a law.