STATE OF NEW YORK

7400--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. EPSTEIN, CUNNINGHAM, VALDEZ, LEVENBERG, ALVAREZ -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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2. Every institution shall adopt written rules implementing this section by amending its code of conduct or other comparable policies. A copy of such rules and policies shall be provided by each institution to all students enrolled in said institution using a method and manner appropriate to its institutional culture. Each institution shall also post such rules and policies on its website in an easily accessible manner to the public.

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

a. (i) The elected student leader shall be able to message the student body through e-mail, or a substantially equivalent system utilized by the institution to communicate with the student body, with prior approval from the campus office of student life to ensure that the communication with students complies with federal, state and local law, and institution policies. Such prior approval shall be made in a timely and efficient manner. Any denial of part of or an entire communication shall be made in writing with a citation to the provision of law or institution policy which would be violated by such communication.

(ii) No expression made by an elected student leader which is protected by this paragraph shall be deemed to be an expression of policy, opinion or position of the institution, nor shall any such expression be considered to be an endorsement in any way by the institution and no institution, employee, parent, legal guardian or administrator of an institution shall be held liable in any civil or criminal action for any expression made by an elected student leader, except in cases of willful or wanton misconduct. Nothing in this paragraph shall be construed to create any private action on behalf of a student other than to seek injunctive relief allowing the messaging or communication in question.

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

c. All institution policy-making bodies shall have student representation on such body in policy-making roles for any policy affecting students.

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

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

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

(iii) There shall be no prior restraint of material prepared for official publications of an institution except for the material described in subparagraph (vi) of this paragraph.

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

(v) Nothing in this paragraph shall preclude a student media advisor from teaching professional standards of English and journalism to

student journalists or from grading the performance of a student in accordance with such standards.

(vi) To the extent that an institution administrator chooses to engage in pre-publication review, the following forms of expression shall not be protected by this article:

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

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

(3) Expression that violates federal, state or local law; or

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

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

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

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

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