§ 665-a. Institutional participation in award programs. 1. Participation agreement. No institution may participate in the general, academic or other award programs described in this article unless it shall have entered into a written agreement with the corporation under which it shall be bound to comply with all laws and rules applicable to such programs. The participation agreement may contain such other terms and conditions, consistent with such applicable laws, rules and procedures, as the president may require in accordance with rules adopted for this purpose by the board and shall be developed in consultation with the commissioner of education.

In accordance with rules adopted by the board for this purpose, the president, may suspend, limit or terminate an institution's participation in these programs in the event it shall be determined after a hearing conducted in accordance with the state administrative procedure act that the institution has violated any applicable laws, rules or procedures provided for under the agreement in accordance with law and the rules of the board.

2. Reports. In accordance with rules adopted by the board for this purpose, the president may require an institution participating in the general, academic and other award programs to certify on such forms as the president may prescribe at the commencement of its semester, term or other period of attendance, or at such other times as the president may direct, the manner in which the records are being maintained to demonstrate the eligibility of the students the institution certifies as eligible for the receipt of awards under the provisions of subdivision three of section six hundred sixty-five of this article during such semester, term or period of attendance. The president may suspend, limit or terminate an institution's participation in the general, academic and other award programs administered by the corporation in the event it shall be determined after a hearing conducted in accordance with the state administrative procedure act that the institution has failed or refused to submit such certified report after written demand therefor, or shall have willfully submitted a materially false report.

3. Contingencies on the receipt of state funding. (a) An institution

shall not, as a condition of any award or loan pursuant to this article, require any student to:

(i) submit to mandatory arbitration to resolve any matter relating to such award or loan prior to the commencement of any legal action to enforce an entitlement thereto;

(ii) resolve a complaint relating to any award or loan through an internal dispute process;

(iii) waive any right, forum, or procedure for a violation of any provision of this chapter, including the right to file and pursue a civil action, class action or a complaint with, or otherwise notify, any state agency, other public prosecutor, law enforcement agency, or any court or other governmental entity of any alleged violation; or

(iv) be prohibited from disclosing, discussing, describing or commenting upon the terms of the agreement or any violation thereof.

(b) An institution shall not threaten, retaliate or discriminate against any student eligible for such award or loan because of the refusal by such student to consent to mandatory arbitration, to resolve a complaint through an internal dispute process, to waive any right, forum, or procedure for a violation of this chapter, including the right to file and pursue a civil action, class action or a complaint with, or otherwise notify, any state agency, other public prosecutor, law enforcement agency, or any court or other governmental entity of any alleged violation, or not to disclose, discuss, describe or comment upon the terms of the agreement or any violation thereof.

(c) For purposes of this subdivision, an agreement that requires a student to opt out of a waiver or take any affirmative action in order to preserve their rights is deemed a condition that violates paragraph (a) of this subdivision.

(d) In addition to injunctive relief and any other remedies available, a court may award a prevailing plaintiff enforcing their rights under this subdivision reasonable attorneys' fees.

(e) Nothing in this subdivision is intended to invalidate a written arbitration agreement that is otherwise enforceable under the Federal Arbitration Act.