

ASSEMBLY, No. 5611

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

SYNOPSIS

Prohibits certain colleges and universities from discriminating against certain students.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning colleges, universities, and COVID-19 vaccines
2 and supplementing Title 18A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. As used in this section:

8 "College or university" means a county college, an independent
9 institution of higher education, a public research university, or a
10 State college, which receives State or local funds, either directly or
11 indirectly, including, but not limited to, appropriations, grants, and
12 reductions of or exemptions from State or local taxes, including, but
13 not limited to, local property taxes and the sales and use tax.

14 b. Each college or university shall be prohibited from directly
15 or indirectly:

16 (1) requiring the administration of a coronavirus disease 2019
17 (COVID-19) vaccine to a student as a condition of the student's
18 admission, enrollment, eligibility for and receipt of financial aid, or
19 access to room and board through the college or university;

20 (2) taking adverse actions against students who have not received
21 a COVID-19 vaccine, including, but not limited to, imposing
22 disciplinary action or restricting those students' ability to:

23 (a) access and use college or university buildings and structures,
24 including, but not limited to, the gymnasium or library;

25 (b) attend in-person or online classes;

26 (c) choose courses and majors;

27 (d) attend or participate in college or university activities,
28 graduation ceremonies, groups, organizations, programs, or sports;

29 (e) work on campus; or

30 (f) participate in on-campus or off-campus learning opportunities
31 and internships or teaching assistant positions;

32 (3) causing students who have not received a COVID-19 vaccine
33 to receive diminished grades for coursework; or

34 (4) causing students who have not received a COVID-19 vaccine
35 to have restricted access to administrative services, including, but
36 not limited to, letters of recommendation, diplomas, transcripts, or
37 other records.

38 b. Each college and university shall develop, implement, and
39 enforce policies which strictly prohibit discrimination against
40 students who have not received a COVID-19 vaccine.

41 c. Each college and university shall be prohibited from directly
42 or indirectly asking a student whether the student received a
43 COVID-19 vaccine.

44 d. Each college and university shall be prohibited from directly
45 or indirectly disclosing information as to whether students have
46 received a COVID-vaccine in the event that the college or
47 university is apprised of such information.

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1 e. Each college and university may coordinate with an
2 organization that supports the rights of an individual to choose
3 whether the individual receives a COVID-19 vaccine to prevent
4 discrimination against students who have not received a COVID-19
5 vaccine.

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7 2. A college or university which discriminates against a student
8 who has not received a COVID-19 vaccine in violation of this act
9 shall, in addition to any other relief authorized by law, be liable for
10 civil damages to the student in the amount of \$25,000 in an action
11 brought in the Superior Court in the county where the offense
12 occurred to be used for the student's college or university tuition.
13 In addition to an award of civil damages, the court shall order the
14 college or university to pay such attorney's fees or expenses, or
15 both, that are actually and reasonably incurred by a student who is
16 the successful party in the action.

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18 3. This act shall take effect immediately.

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21 STATEMENT

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23 This bill prohibits certain colleges and universities from
24 discriminating against certain students.

25 The bill defines "college or university" to mean a county college,
26 an independent institution of higher education, a public research
27 university, or a State college, which receives State or local funds,
28 either directly or indirectly, including, but not limited to,
29 appropriations, grants, and reductions of or exemptions from State
30 or local taxes, including, but not limited to, local property taxes and
31 the sales and use tax.

32 Under the bill, each college or university is to be prohibited from
33 directly or indirectly: (1) requiring the administration of a
34 coronavirus disease 2019 (COVID-19) vaccine to a student as a
35 condition of the student's admission, enrollment, eligibility for and
36 receipt of financial aid, or access to room and board through the
37 college or university; (2) taking adverse actions against students
38 who have not received a COVID-19 vaccine, including, but not
39 limited to, imposing disciplinary action or restricting those
40 students' ability to: access and use college or university buildings
41 and structures, including, but not limited to, the gymnasium or
42 library; attend in-person or online classes; choose courses and
43 majors; attend or participate in college or university activities,
44 graduation ceremonies, groups, organizations, programs, or sports;
45 work on campus; or participate in on-campus or off-campus
46 learning opportunities and internships or teaching assistant
47 positions; (3) causing students who have not received a COVID-19
48 vaccine to receive diminished grades for coursework; or (4) causing

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1 students who have not received a COVID-19 vaccine to have
2 restricted access to administrative services, including, but not
3 limited to, letters of recommendation, diplomas, transcripts, or other
4 records.

5 The bill provides that each college and university is to develop,
6 implement, and enforce policies which strictly prohibit
7 discrimination against students who have not received a COVID-19
8 vaccine. Each college and university is to be prohibited from
9 directly or indirectly asking a student whether the student received a
10 COVID-19 vaccine. Each college and university is to be prohibited
11 from directly or indirectly disclosing information as to whether
12 students have received a COVID-vaccine in the event that the
13 college or university is apprised of such information. Further, each
14 college and university may coordinate with an organization that
15 supports the rights of an individual to choose whether the individual
16 receives a COVID-19 vaccine to prevent discrimination against
17 students who have not received a COVID-19 vaccine.

18 Under the bill, a college or university which discriminates
19 against a student who has not received a COVID-19 vaccine in
20 violation of the bill's provisions is to, in addition to any other relief
21 authorized by law, be liable for civil damages to the student in the
22 amount of \$25,000 in an action brought in the Superior Court in the
23 county where the offense occurred to be used for the student's
24 college or university tuition. In addition to an award of civil
25 damages, the court is to order the college or university to pay such
26 attorney's fees or expenses, or both, that are actually and reasonably
27 incurred by a student who is the successful party in the action.