



The Faculty Senate of Virginia held its Spring 2019 meeting at the University of Mary Washington on Sunday, March 24, 2019. A portion of the meeting agenda can be found below, with the Virginia Higher Education Advocacy Day Report and the Motion to Recommend VA Expand Childcare Facilities attached. Please contact Anand Rao with any questions (arao@umw.edu).

- I. AAUP Guest Report
 - a. VHEAD 2019 Report – from Brian Turner (see attached)

- II. National Council of Faculty Senates Report
 - a. Report on October 2018 Meeting in Austin, TX
 - b. Next Steps

- III. VCCS New Horizons Meeting on April 12, 2019
 - a. Session on FSVA and faculty governance
 - b. Approval of travel expenditure request (\$450) – **motion passed**

- IV. Motion to Recommend Virginia Expand Childcare Facilities – presented by Val Larsen (JMU) – **motion passed** (see attached)

- V. Plans for 2020 Virginia Higher Education Advocacy Day
 - a. Planning procedure for VHEAD with AAUP
 - b. Potential topics for position papers
 - c. Funding for VHEAD participants (travel grants for faculty and students)

- VI. Reports from Member Schools
 - a. Update on Fall motion to provide contingent faculty representation

- VII. Officer Selection for 2019-2020- Congratulations to:
 - a. President – Carmen Rodriguez (VCU)
 - b. Vice-President – Sarah Giliam-Burrill (Mt. Empire CC)
 - c. Treasurer – Marcel Rotter (UMW)
 - d. Secretary – Mary Carver (Longwood)

LEGISLATIVE REVIEW
AAUP/FSVA/VCU FACULTY SENATE
MARCH 24, 2019

**THANKS TO ALL OF THOSE WHO PARTICIPATED IN VIRGINIA HIGHER
EDUCATION ADVOCACY DAY!**

Dear colleagues,

The AAUP, FSVA, and VCU Faculty Senate held the seventeenth annual Virginia Higher Education Advocacy Day on January 10, the second day of the 2019 session. Over thirty faculty, staff and students from seven different institutions participated in a full day of advocacy. We visited 29 of the 100 delegates' offices and 17 of the 40 senate offices. We met directly with eight delegates and seven senators.

A highlight of the day was the presentation of the Colonel Michael S. Harris Award for exemplary service in support of higher education to Delegate Alfonso Lopez of Arlington.



**Delegate Lopez receives the Harris Award
from AAUP President-elect Evie Terrono**

OUR POSITIONS ON HIGHER EDUCATION ADVOCACY DAY

Participants shared our position papers “INVESTING IN HIGHER EDUCATION” and “INSTITUTIONAL TRANSPARENCY” with legislators. We called on the General Assembly to:

- Support Governor Northam’s budget proposals to increase need-based financial aid by \$15.5 million and Tuition Assistance Grants (TAG) by \$5.2 million, increasing the top undergraduate student grant to \$3,400 in FY 2020.
- Improve General Fund support of higher education to enable institutions to keep tuition low and provide for tuition predictability for in-state students.
- Provide for faculty salary increases above the 1% increase in the Governor’s budget for FY2020. This amount does not keep Virginia competitive with the national higher education market. SCHEV’s review of national data indicates that salaries nationally are increasing approximately 3% per year. Institutions’ 2018 six-year plans stated that salaries “falling behind those of competitor institutions represent the greatest threat to faculty recruitment and retention.” General Fund support for significant salary increases will keep Virginia competitive nationally and relieve the institutions of using tuition increases to pay for faculty and staff raises.
- Passage of **HB 2386** (Delegate Bulova) to require public institutions to keep records of donations that would be subject to Freedom of Information (FOIA) requests. This would enable the public to have knowledge about the terms and conditions associated with donations to university foundations, especially regarding support for specific curricular offerings and faculty hiring decisions.
- Assure that innovations in the provision of higher education in the Commonwealth, such as in the creation of on-line universities, do not undermine service to the public good inherent in institutions devoted to free inquiry.

HIGHER EDUCATION LEGISLATION 2019 SESSION

Bills we supported

HB 2386 (Delegate Bulova): Public institutions of higher education; information relating to pledges and donations.

This bill was left (**defeated**) in the House Committee on Education, with the understanding that the chair of the Higher Education Subcommittee would write a letter referring the matter to consideration by the Virginia Freedom of Information Advisory Council. This was the action recommended by Delegate Bulova, who reports he has the commitment of the universities to work on specific language in the Advisory Council. We will monitor the Advisory Council's deliberations. The Virginia Coalition for Open Government is helping us with advancing this legislation.

In-state tuition for DACA students: Several bills (**HB 2388 Delegate Lopez; HB 1882 Delegate Keam; SB 1055 and SB 1148 Senator Marsden; SB 1640 Senator Boysko; and HB 2591 Delegate Kory**) sought to address the problem of Virginia resident undocumented students, registered with the federal Deferred Action for Childhood Arrivals (DACA) program, having to pay out-of-state tuition for higher education in the Commonwealth.

All of these bills were ultimately **defeated**, although there was greater legislative progress on this issue than in previous years. **HB 2388** was reported (approved) 16-5 from the House Committee on Education, including votes in favor by a majority of the Republicans on the committee. However, it was sent to the Higher Education subcommittee of the Committee on Appropriations, where it was defeated 5-3. **HB 1882** was also defeated by the same vote in the same subcommittee. **HB 2591**, which take a narrower approach, passed the House of Delegates on a 90-9 vote, but was ultimately passed-by indefinitely (**defeated**) in the Senate Committee on Education and Health on a party-line vote of 8-7. All three Senate bills suffered the same fate.

HB 1764 (Delegate Carter) would have repealed provisions that make it effectively illegal for government employees to go on strike. The bill never received a hearing.

Bills of interest

SB 1118 (Senator Petersen), **SB 1261** Senator Sturtevant, and **HB 2173** Delegate Miyares would allow public comment time at Board or Visitors meetings when tuition and fees increases are to be considered. We support the concept of public comment time at Boards of Visitors meetings, not just restricted to the topic of tuition and fees increases. **SB1118** and **HB 2173** were eventually **passed and**

signed into law by the Governor after the differences between their amended versions were reconciled in conference.

SB 1204 (Senator Stuart) would have required an “affirmative vote of at least two-thirds of undergraduate students enrolled” before tuition or fees increases could take effect. I was quoted in the *Washington Post* saying ““I don't think you could round up two-thirds of the student body to vote for free beer,” a phrase which was apparently repeated in committee. **SB 1204** was “rolled in” to **SB 1118**, without any requirement for a student vote included.

These bills open Boards of Visitors meetings to limited public comment, although this will make tuition increases potentially more difficult.

HB 2471 (Delegate Aird) would prohibit asking about criminal history or using information about criminal history in admissions decision processes. Testimony regarding the negative impacts of this practice from several who overcame its effects was quite moving. The House Higher Education subcommittee of the Committee on Education tabled the bill on a party-line vote of 5-3.

SB 1234 (Senator DeSteph) requires education of members of the Boards of Visitors on student debt trends and that Board members’ “primary duty is to the citizens of the Commonwealth.” This bill **passed** and was signed into law by the Governor. SCHEV will have to incorporate these items into its October orientation of members of the BOVs, an event the AAUP has attended in recent years.

HB 2336 (Delegate Landes) would have capped executive officer salaries to at or below the salary of the chief executive officer of higher education institutions, but would have allowed such salaries to be supplemented with gifts, donations, or foundation money. It was amended to become merely a reporting requirement, and was **passed** and signed into law by the Governor.

HB 1830 (Delegate Lindsey) would give both sides in a campus proceeding regarding accusations of sexual violence the right to have an attorney present. **HB 1831** (Delegate Lindsey) would give students the right to have an attorney present in any disciplinary hearing. Both bills were left (**defeated**) in the Committee on Education.

Bills we opposed

HB 2246 (Delegate Davis) would have encouraged 80% performance-based funding, with performance measured by “increased degree and credential attainment within high-demand fields, reduction of average time-to-degree, improved affordability for Virginia students and families, reduction of debt of former students and graduates, and improved graduate employment outcomes.” Such measures would likely create perverse incentives to undermine quality and to divest from “low-demand fields” that are vital to the whole education of our students. The bill was left (**defeated**) in the Committee on Appropriations.

HB 2380 (Delegate Hurst) states as amended, “The registrar or another appropriate employee of each public institution of higher education shall identify conspicuously in the online course catalogue or registration system, as soon as practicable after the necessary information becomes available, each course for which the instructor exclusively uses no-cost course materials or low-cost course materials.” The bill was supported by SCHEV and Virginia21. The AAUP expressed concerns to the bill’s sponsor. The bill was **passed** without opposition and was signed into law by the Governor.

HB 2567 (Delegate LaRock) would require higher education institutions to abide by the First Amendment’s Free Exercise of Religion clause. The sponsor seemed to be under the impression that the U.S. Constitution’s Bill of Rights does not apply to the states, as if the 14th Amendment was never adopted. The bill was filed in response to a constituent complaint. The bill was tabled (**defeated**) on a 7-1 vote in the House Higher Education subcommittee of the Committee on Education.

Budget

The budget approved by the General Assembly includes the \$15.5 million increase in FY2020 for need-based financial aid over what was in the 2018-2020 biennial budget approved last year. The FY2020 budget includes an increase of \$3.5 million in TAG grants (the Governor proposed \$5.2 million). Faculty are to receive an extra one percent pay increase over the two percent already due for the FY 2020 budget. The Governor must act on the bill by March 26.

Motion to Recommend Virginia Expand Childcare Facilities on Campuses

Multiple entities have researched and advocated for providing on-campus child care facilities. The Institute for Women's Policy Research reports that the number of student parents is growing in all regions and at all institution types. It estimates that student parents now make up 26 percent of the total undergraduate student body. The potential benefits of providing childcare include the following:

- Recruitment and retention of faculty, staff, and students with small children.
- Family involvement and enhanced connection and loyalty to state institutions.
- Less absenteeism.
- Increased employee satisfaction.
- Increased productivity and availability to students and colleagues.

Governor Northam issued Executive Order Number Thirteen on June 26, 2018 that established the Virginia Advisory Commission on Quality Child Care and Education. The Commission's mandate is to "explore the feasibility of providing an evidence based early care and learning program for young children of state employees working on and around Capitol Square in Richmond." The Governor explains that

"State employees across the Commonwealth struggle with the access to and affordability of quality early care and learning environments for their children. Childhood is a time of development and discovery for parent and child alike. Having a reliable, safe, and nurturing environment where young children can grow and explore individual potential is key to a parent's ability to be a productive member of the workforce. In order to compete to recruit and retain talented young employees, the Commonwealth must support state employees' ability to access and afford early care and learning for their children."

The Center for American Progress estimates that 47% of Virginians live in childcare deserts where there are more than three children for every licensed childcare slot. Five of the ten largest Virginia state agencies by number of employees are public universities. Given their regional dispersion throughout the state and high concentrations of state employees, Virginia's public colleges, community colleges, and universities are uniquely positioned to help the State address the lack of licensed daycare while simultaneously addressing the needs of their employees and students.

The Faculty Senate of Virginia therefore urges the General Assembly and Governor to seize this political opportunity to expand the Commission's mandate to include public colleges, community colleges, and universities and for the state to increase its direct financial support for affordable, on-campus childcare facilities.