

LEGISLATIVE REPORT #1
AAUP/FSVA/VCU FACULTY SENATE
JANUARY 13, 2020

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

Dear colleagues,

The AAUP, FSVA, and VCU Faculty Senate held the eighteenth annual Virginia Higher Education Advocacy Day on January 9, the second day of the 2020 session. Thirty-six faculty, staff and students from twelve different institutions participated in a full day of advocacy. We visited 45 of the 100 delegates' offices and 24 of the 40 senate offices. We met directly with nine delegates and six senators.

Capital News Service's [report](#) on the event was carried by the *Free Lance Star* (Fredericksburg), WHVS (Harrisonburg), and RVA Hub (Richmond).

**OUR POSITIONS ON HIGHER EDUCATION
ADVOCACY DAY**

Participants shared our position papers "INVESTING IN HIGHER EDUCATION" and "DIVERSITY, INCLUSION, TRANSPARENCY" with legislators. We called on the General Assembly to:

- Support Governor Northam's budget proposals to increase need-based financial aid by \$45.4 million and Tuition Assistance Grants (TAG) for the top undergraduate student grant to \$4,000.
- 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. The Governor's budget does not include salary increases for faculty, so we are working with legislators to offer a budget amendment. 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 21** (Delegate Lindsey) and **SB 159** (Senator Boysko) to add sexual orientation and gender identity as protected classes for public employment to the Virginia Higher Education Act.
- Passage of **SB 935** (Senator Boysko) and **HB 1547** (Delegate Lopez) to provide eligibility for in-state tuition to Virginia residents, regardless of their citizenship or immigration status. These bills are "administration bills," which means supported by the Governor and his administration.

- Passage of **HB 1529** (Delegate Bulova) to require that public universities and colleges, upon accepting a donation with terms and conditions attached, provide written acceptance of that donation, and the written acceptance would be subject to Freedom of Information (FOIA) requests. We also support **HB 510** (Delegate Bulova) and **SB 140** (Senator Stuart) which remove the exemption from FOIA disclosure for anonymity by a donor if the donation imposes terms or conditions related to academic decision-making.
- Passage of **HB 397** (Delegate Keam) to require the Board of Visitors to solicit input from the Faculty Senate or its equivalent twice yearly, and when conducting presidential searches.
- Passage of **HB 36** and **SB 80** (Senator Marsden) to provide First Amendment protections to student journalists and to protect student media advisors from administration punishments for their reasonable and appropriate actions to protect student journalists' First Amendment conduct.

OTHER HIGHER EDUCATION LEGISLATION 2020 SESSION

BILLS WE SUPPORT

HB 327 (Delegate Levine) and **HB 582** (Delegate Guzman) would remove the prohibition in Virginia statute on public sector collective bargaining.

BILLS OF INTEREST (we will track these but likely not take a position)

SB 260 Senator Chase (R) and **HB 715** Delegate Reid (R) would allow public comment time at Boards of Visitors meetings where 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 tuition and fees increases.

SB 147 Senator Stuart (R) would allow public comment time at BOV meetings where increases in compensation of the college or university CEO are to be voted on, requires reporting the rationale for an increase, and prohibits such increase in years when tuition is increased.

HB 1319 Delegate Aird (D) and **SB 99** Senator Marsden (D). These bills would prohibit asking about criminal history or using information about criminal history in admissions decision processes.

HB 153 Delegate Carter (D). Repeals "right-to-work".

HB 300 Delegate Simon (D), **HB 811** Delegate Miyares (R), and **SB 464** Senator Reeves (R). These bills would permit compensation for student-athletes paid by third parties for the use of the student's name, image, or likeness.

BILLS OF CONCERN (We will track these and express concerns as appropriate)

HB 228 Delegate Freitas (R). This bill would permit any student or student organization to seek legal action against a public institution of higher education or any employee acting in official capacity for violations of law relating to campus free speech. Virginia law already protects students' First Amendment rights, including the right of student organizations with a religious or political mission to limit organization leadership to persons committed to that mission. Presumably students already have the right to seek legal action. Introducing specific language into Code seems to invite judicialization of internal management of student life.

HB 499 Delegate Davis (R). This bill would in a roundabout way through the Higher Education Advisory Committee lead to 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.” We are concerned that tying most funding to these measures may create perverse incentives to undermine quality and to divest in “low-demand fields” that faculty know are vital to whole education of our students.

HB 927 Delegate Coyner (R). This bill would “permit SCHEV to require” reporting by public and private institutions of “financial data by program and academic discipline, including operational or instructional costs, general fund and nongeneral fund revenue, and planned expenditures, as part of its report to assist the Council in its assessment of the degree to which the institution has satisfied certain goals and criteria developed by the Higher Education Advisory Committee.” Separating out financial data by program and academic discipline can be a step to program review and program closures, disregarding the contributions of all programs to the whole education of students.

SB 146 Senator Stuart (R). Provides that no increase in undergraduate tuition or mandatory fees approved by a governing board of a public institution of higher education will take effect unless such increase receives an *affirmative vote of at least two-thirds of undergraduate students enrolled* in such institution (emphasis added).