

LEGISLATIVE REPORT #2
AAUP/FSVA/VCU FACULTY SENATE
JANUARY 24, 2020

Dear colleagues,

While it was a tumultuous week at the General Assembly, from gun rights and abortion debates to steps to eliminate the Commonwealth's Lee-Jackson holiday, things were moving more slowly on higher education matters. Now all of the committees and subcommittees are meeting, and there has been some action on our legislative agenda. **Green** font means a bill has been approved at some level, **red** font means the measure has been defeated.

BILLS WE SUPPORT

HB 30 and **SB 30**: These are the biennial budget bills. We 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.

Budget amendment 477 #4h (Delegate Guzman). This would fund 4.7% average faculty salary increases. The amendment was introduced in the Appropriations Committee on January 22.

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. **HB 21** was incorporated into **HB 1663** (Delegate Sickles), which would provide these protections in all public accommodations, not just public employment. **HB 1663** was **reported** on a vote of 5-1 from the Subcommittee on Housing and Consumer Protection and is now before the full Committee on General Laws. **SB 159** is before the Senate Committee on General Laws and Technology.

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. **SB 935** will be heard in the Senate Committee on Education and Health subcommittee on Higher Education on Monday afternoon, January 27. **HB 1547** is before the House Committee on Education subcommittee on Higher Education.

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. This bill is before the House Committee on Education subcommittee on Higher Education.

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. **HB 510** was **reported** 22-0 from the Committee on Education and is before the full House of Delegates. **SB 140** is before the Committee on General Laws and Technology.

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. The bill is before the House Committee on Education subcommittee on Higher Education.

HB 36 (Delegates Hurst and Roem) 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. **SB 80** was **carried over to 2021**. **HB 36** will be heard on Wednesday, January 29, by the House Committee on Education subcommittee on Higher Education.

HB 327 (Delegate Levine) and **HB 582** (Delegate Guzman) would remove the prohibition in Virginia statute on public sector collective bargaining. **HB 327** is before the Committee on Labor and Commerce Subcommittee #1.

BILLS OF INTEREST (we track these but do not usually 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 260** will be heard on Monday, January 27, by the Higher Education subcommittee of the Committee on Education and Health.

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. This bill will be heard on Monday, January 27, by the Higher Education subcommittee of the Committee on Education and Health.

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. **SB 99** will be heard on Monday, January 27, by the Higher Education subcommittee of the Committee on Education and Health.

HB 153 Delegate Carter (D). Repeals "right-to-work". The bill is before the Committee on Labor and Commerce

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. **HB 811** was incorporated into **HB 300**, which was itself **reported** by the Higher Education subcommittee and re-referred to the Committee on Appropriations on a vote of 8-0. The subcommittee members seemed generally unhappy that the NCAA has not yet moved to resolve this matter, but offered various reasons for voting in favor of the bill at this point.

BILLS OF CONCERN (We 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. The bill is waiting subcommittee assignment from the Committee on Education.

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. The bill **died for a lack of a motion** in the Higher Education subcommittee.

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. The bill is before the Higher Education subcommittee of the Committee on Education.

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). The bill will be heard on Monday, January 27, by the Higher Education subcommittee of the Committee on Education and Health.