

**LEGISLATIVE REPORT #2**  
**AAUP/FSVA/VCU FACULTY SENATE**  
**FEBRUARY 1, 2024**

Dear colleagues,

We have completed three weeks of the 2024 legislative session, and just two weeks remain for bills to be heard and voted on their house of origin. The news for our interests is mostly good so far. **Green** font means the bill is moving forward, **red** font means the bill is no longer under consideration this year.

**OUR POSITIONS ON HIGHER EDUCATION**

**BILLS WE SUPPORT**

**HB 1001 (Tran) and SB 374 (Boysko) Collective bargaining possible for all public employees**

These companion bills remove the limits on collective bargaining (forming unions) to only local government employees where the local government has approved ordinances permitting public sector unions. The bills explicitly include employees of institutions of higher education, including graduate students. Faculty unions are associated with higher salaries and stronger protections of academic freedom and shared governance. Permissive legislation does not mean that unions must be organized, but it allows for faculty (and other employees) to make the choice themselves.

**HB 1001** was approved by the House Committee on Labor and Commerce on a party-line 12-10 vote. It has been referred to the Committee on Appropriations, where it will face intense scrutiny for its financial impact.

**SB 374** was approved by the Senate Committee on Commerce and Labor on a 9-6 party-line vote. Many spoke in favor of the bill, especially a number of United Campus Workers activists. I spoke as well. The bill was referred to the Committee on Finance and Appropriations, and may be heard there next week.

**SB 506 (Surovell) Duties and powers of Boards of Visitors**

This bill is a direct answer to Attorney General Jason Miyares' October 2 advisory opinion prepared at the behest of Governor Youngkin, stating that the "primary duty of the board of visitors of each Virginia public institution of higher education is to the Commonwealth," i.e. the temporary political majority of the moment. SB 506 would place into the Code of Virginia explicit language that the BOVs "duty of loyalty (is) owed primarily to such institution and secondarily to the citizens of the Commonwealth." The bill liberates the public institutions from the legal counsel of the Attorney General's office, which is an important reform to protect the autonomy of these institutions. A substitute (amended version) was presented on January 29 to include faculty and staff representation on the BOVs, which I will discuss along with HB 1467. I was the only one present in subcommittee to speak in favor of the bill. The Deputy Attorney General for higher education said the Youngkin Administration is opposed to this bill.

**SB 506** was approved by the Committee on Education and Health on February 1 on a 8-7 party-line vote and referred to the Committee on Finance and Appropriations. It may be heard there next week.

**HB 1467 (Laufer) and SB 506 (Surovell) Faculty and staff representatives on BOVs**

**HB 1467** mandates that BOVs will have a non-voting faculty member and non-voting staff member on the BOV, selected by the faculty and staff respectively as their representative. Current law states that BOVs “may” appoint one or more advisory faculty representatives to the Board, and that “such representatives shall be chosen from individuals elected by the faculty or the institution’s faculty senate or its equivalent. While I believe all BOVs appoint a faculty representative, we prefer that the word “may” be replaced with the mandatory “shall.” The selection process for these faculty representatives is ambiguous, and the University of Virginia BOV recently asked the Faculty Senate to “elect” a slate of names, from which the BOV would choose. **HB 1476** would close that loophole with language stating that the BOV will include “one faculty member of the University who is an officer of the University’s faculty senate or its equivalent and is chosen by majority vote of such senate or its equivalent.”

**SB 506** as amended at the request of Senator Hashmi changes the “may” to “shall,” but retains the current ambiguous language regarding the selection process. The Youngkin Administration said it is neutral on this language.

**HB 1476** is currently before the Committee on Education awaiting its first hearing. Time is running low for this bill to move successfully out of the House. Ideally both bills pass and can be reconciled to reflect our preferences, or **SB 506** is passed by the Senate and amendments can be sought when it goes to the House of Delegates.

**HB 1066 (McQuinn) Commission to Study the History of the Uprooting of Black Communities by Public Institutions of Higher Education in the Commonwealth established**

The bill’s title explains it well. These are questions discomfiting to our institutions but necessary to be addressed by academic communities committed to the pursuit of truth. **HB 1066** was approved by a subcommittee of the Rules Committee with recommended referral to the Committee on Appropriations.

## **BILLS OF INTEREST**

### **BIENNIAL BUDGET (HB 30 and SB 30)**

Governor Youngkin’s proposed biennial budget (Fiscal Years 2025 and 2026) provides modest increases in support for institutions. According to The Commonwealth Institute’s analysis, the major increases in funding are \$16.6 million for campus safety and security, \$9.2 million for the New Economy Workforce Credential Grant, \$7.8 million to the VCCS for regional career placement centers, and \$6.0 million for student mental health program.

The governor’s announced fiscal policies to lower income taxes would reduce tax revenue by \$1.1 billion in FY 2025 and \$2.3 billion in FY 2026, according to The Commonwealth Institute analysis conducted with the Institute on Taxation and Economic Policy. How much of that loss would be recovered by proposed increases in sales taxes and digital sales taxes is not clear, nor is it determined whether new tax revenues would be dedicated to support localities or for other purposes. We do not have a position on tax policy, but we are concerned that reduced revenues will lead to budget cuts in many important state programs. Higher education is often one of the first such programs to face

reductions in state support, transferring costs to students in tuition increases and forcing institutions to cut valuable educational programs.

More detailed reporting on the budget will come in later Legislative Reports.

**SB 46 (VanValkenburg) and HB 48 (Helmer) Prohibits legacy admissions at public institutions.** Both bills have been passed by their respective chamber without opposition.

This and similar bills are sailing through the legislature. This particular bill has already cleared the Senate without opposition.

**SB 717 (McDougle) Donations revert to donor if intended use is “permanently frustrated.”**

This bill requires that donations designated for specific purposes must be returned to the donor, including any resulting interest and profits, must revert to the donor or legal representative. Several of us who have looked at this bill are skeptical of its purpose, and unfortunately, I was not able to attend the hearing to learn more of its real intentions. On February 1 the Higher Education subcommittee of the Committee on Education and Health continued the bill to 2025, meaning it is no longer under consideration this session.

**HB 1258 (Milde) Employee protections; prohibits discipline for political activity or affiliations.**

While likely not intended for protection of higher education professionals, this bill might be considered to be supportive of academic freedom. It is scheduled to heard February 1 (as I write) before a subcommittee of the Committee on Labor and Commerce.

## **BILLS WE OPPOSE**

As noted last week, very few “culture war” or “educational gag order” bills were filed this session.

**HB 1008 (Lovejoy) Financial value transparency; students sign acknowledgement statement upon enrollment, declaration of major, or change of major**

This bill is clearly designed to require students who have found a passion for a particular academic interest to “acknowledge” they will perhaps earn less in that field. While the discussion of benefits and costs of choices of majors is perfectly appropriate between students and advisors, *signing* an acknowledgement that only considers the presumed financial costs undermines considerations valued by society, such as social contribution, self-fulfillment, and the ability to contribute to the public good. Legislating this “acknowledgement” is an inappropriate interference in the student-faculty (advisor) relationship and is an attack on the humanities and social sciences.

**HB 1008** appears to be stuck in the Committee on Education without a hearing date yet.

**HB 1255 (Milde) Institutions must certify to SCHEV that no DEI programs promote anti-Semitism.**

This is the only anti-DEI bill, and it does not ban these programs. But it would require a certification ritual likely to allow political scrutiny of programs that would be bureaucratically onerous and not reflective of the goals of such programs.

**HB 1255** appears to be stuck in the Committee on Education without a hearing date yet.