

AAUP

American Association of University Professors

Academic Freedom for a Free Society

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The Honorable Robert F. McDonnell
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218
FAX: 804-371-3651

RE: Attorney General Cuccinelli's letter on sexual orientation discrimination

Dear Governor McDonnell:

On behalf of the Sexual Diversity and Gender Identity Committee of the national American Association of University Professors (AAUP), I write to express our grave disappointment that the Old Dominion's current Attorney General has urged Virginia's public colleges and universities to "take appropriate actions" to remove sexual orientation from campus non-discrimination policies. This counsel, if implemented, would effectively abandon a generation's worth of civil rights progress, putting Virginia behind Mississippi and Arkansas in terms of achieving a degree of legal equality for its lesbian, gay, bisexual, and transgendered employees and students.

Virginia has never been a leader in the legal fights for equality since the Civil War, but, since the racial desegregation of its public colleges and universities four decades ago, the state has made great progress in ending arbitrary and customary discrimination of all kinds. It is now a common point of agreement between both political parties that such discrimination is bad both for increasing the enrollment of students and for enhancing the retention of faculty members. Accordingly, we ask you to ignore your colleague's grandstanding to his (and your) most ardent supporters. As Governor of all Virginians and not just of religious bigots, please allow the state's higher education institutions to keep and to refine their non-discrimination clauses to prevent an unfortunate relapse to the bad old days of the Byrd machine.

Most significantly, arbitrary and customary discrimination is bad for business, as the Byrd machine found out the hard way in the 1960s and 1970s. It is now a truism that Virginia's system of higher education needs to be open to all those with the talents and accomplishments to succeed. Hence, the quality of instruction and scholarly productivity will obviously suffer, if the Attorney General has his way. Governor Kaine and yourself have already proposed big cuts in state support for colleges and universities, and the Attorney General's advice is just another slap in the face for administrators, professors, and staff trying to work as hard as possible with fewer resources than ever before. This "advice" is a needless bit of political pandering to the religious Right that will do lasting damage to the state's ability to attract creative and entrepreneurial people.

Accordingly, we call upon you to write the House of Delegates and/or the Senate requesting the immediate introduction of either or both of the following:

- 1) a bill to amend the nondiscrimination policy in Section 2.2-3900 B.1. of the Virginia Human Rights Act to include sexual orientation and gender identity (such legislation would moot the Attorney General's advice to the colleges); and
- 2) a bill identical to SB 66 governing nondiscrimination in the state workforce or HB 1116 governing nondiscrimination in state and local employment (such legislation would implement the nondiscrimination policy for public employees, including those in your office and at state universities and colleges).

Your immediate attention to this matter is greatly appreciated.

Best wishes,

Charles H. Ford, Ph.D., Chair,
Sexual Diversity and Gender Identity Committee, AAUP