

ENSLAVED ANCESTORS COLLEGE ACCESS SCHOLARSHIP AND MEMORIAL PROGRAM

Guidance Document

Article I

IDENTIFICATION AND MEMORIALIZATION GUIDELINES

A. Authorization and overview:

1. Pursuant to § 23.1-615.1 of the Code of Virginia (Virginia Code), Enslaved Ancestors College Access Scholarship and Memorial Program, subject institutions are to identify and memorialize, to the extent possible, all enslaved individuals who labored on former and current institutionally controlled grounds and property.
2. The Council provides the following guidance for how an institution may (i) identify all enslaved individuals who labored on the institution's formerly and currently controlled grounds and property, and (ii) memorialize those same individuals.

B. Identifying enslaved individuals: Each institution must on an annual basis review the extent of real and personal property controlled or owned by the institution prior to 1865 and determine whether information has been obtained regarding enslaved individuals who labored on that property.

C. Definitions:

1. **Property:** For this guidance, the term "institutionally controlled grounds" will refer to the real property or real property interests over which an institution of higher education has or had actual or constructive control. Indicia of this type of control may include deeds, notices, deed restrictions, easements, and leases. Institutions should consider established campus plats, buildings, and long-term leases to meet this prescribed definition.
2. **Ownership:** In determining extent of property, the institutions must consider the real and personal property ownership or control that includes:
 - a. Property, including buildings and grounds, owned on the date of the institution's establishment (whether currently existing or not);
 - b. Property, including buildings and grounds, built (created) or acquired post establishment and owned by the institution prior to 1865; and

- c. Property, including buildings and grounds, controlled on or after establishment and prior to 1865.
- d. **Property acquired post-1865:** The institution has the discretion, but is under no obligation, to consider whether to apply this Program to any property which was acquired post-1865 and was supported prior to 1865 by slavery.
- e. The obligation of the institution to make inquiries shall be deemed adequate where the institution has used a reasonable and articulable process, process or standard to obtain information.

D. Research: Upon determination of properties described in Section C.2.d. above:

1. The institution must initiate research or continue existing research designed to determine, if demonstrative evidence exists, the extent that enslaved individuals worked or lived on the subject property or contributed to intellectual property. These determinations may be made by:
 - a. Institutional research efforts;
 - b. Collaborative research efforts with the institution;
 - c. Independent research groups, including non-profits and contractors; and
 - d. Other artistic or academic avenues

Should an institution exhaust avenues for the identification of any property or any enslaved individuals, who labored on former or current institutionally controlled grounds and property, the institution should note the date and year that such efforts have been completed. An annual statement detailing this fact would meet the requirements for the annual review.

E. Use of funds:

1. Pursuant to Virginia Code § 2.2-1815 "state funds" are those public funds or moneys from any source, belonging to or for the use of the Commonwealth, or for the use of any state department, division, officer, board, commission, institution, or other agency or authority owned or controlled by the Commonwealth; **however, for this guidance**, the term "state funds" will refer to state general funds and those non-general funds, such as tuition and fees, and will constitute the types of funds prohibited be used for any aspect of the Enslaved Ancestors.
2. Donations made to the institution on behalf of the Program and funds raised by the institution through means other than tuition and fees will be considered non-state funds for the purposes of this guidance.

3. The prohibition of use of state funds does not apply to the following:
 - a. Compensation for staff who provide support for compliance with § 23.1-615.1 including work on any designated activity or event by the institution;
 - b. Costs associated with obtaining licenses, permission and other such intellectual property rights;
 - c. Compensation of researchers, who support general research in conjunction with the institutions' mandate to determine and identify those enslaved ancestors;
 - d. Costs associated with administering and promoting the activity or event to the community; and
 - e. Costs associated with maintaining records or collecting data regarding the particular event or activity.

All other activities that do not fall within the above listed categories cannot use state general funds or tuition and fee revenue.

F. Commemorations

1. **Types of Commemorations:** Upon a determination of the extent of the enslaved individual population, which worked on property described in Section E, above, or was owned by the institution, subject institutions have discretion to determine the appropriate media, avenue or initiative to honor, acknowledge, respect or pay tribute to the contributions, lives and impact of these individuals to the institution. Such commemorations may include, but are not limited to:
 - a. Naming new structures or renaming existing structures
 - b. Ceremonies
 - c. Curriculum development
 - d. Exhibits
 - e. Plaques
 - f. Dedication of Spaces
 - g. Literary/Essay Competitions
 - h. Film Festivals
 - i. Panel Discussions
2. **Focus of commemorations:** Commemorations, including those programmatic in format, must focus specifically on a demonstrated historic connection to slavery or those who are also still experiencing the legacy of slavery and empowering individuals to break the cycle of poverty. Commemorations that centered on the general topics of Civil Rights, African diaspora, Native American experience, and other related topics presumptively would not be considered compliant with this statutory provision; however, if subject institutions incorporate a direct

nexus to the institution of slavery said commemoration or memorialization would be deemed acceptable.

3. **Partnerships:** Institutions may partner with other groups, entities, and centers in order to meet the requirements of this guideline as long as all statutory requirements are met through the collaboration.
4. **Pre-existing programs:** Should the institution have a pre-existing program which satisfies the requirement of the current statutory mandate, the pre-existing program can be submitted in the institution's annual report as a qualifying program.

G. Obligation to continue:

1. Institutions are under no obligation to continue any specific memorialization program should said institution determine that resources are better suited for another program or project which falls within the requirements of Virginia Code § 23.1-615.1.
2. An institutions obligation to continue with either identification or memorialization of any enslaved individuals, as required by this statute, will terminate in accordance with Virginia Code 23.1-615.1. Most specifically, the institution shall continue activities to memorialize all enslaved individuals who labored on former or current property for a period equal in length to the period during which enslaved individuals supported the institution; however, if the institution has concurrent scholarships program, the efforts to memorialize may terminate on the date that the institution has awarded number of scholarships equal to their confirmed enslaved population.

H. Reporting:

Each subject institution shall annually report to the State Council of Higher Education for Virginia (SCHEV or Council) its efforts to comply with this mandate for dissemination to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, and the Virginia African American Advisory Board.

1. The report shall include a summary of all efforts made to date to identify and memorialize enslaved individuals and detailed reporting on efforts made in the immediate prior year, including, but not limited to: funds raised or dedicated, expenditures, partnerships, activities conducted to identify enslaved individuals, and future plans.

2. Community development and scholarships

In reporting information regarding compliance with Virginia Code § 23.1-615.1, the institution must certify that state general funds and non-general funds prohibited, as outlined by SCHEV guidance, were not used for any aspect of this program, other than as allowed under this guidance. Additionally, the institution must continue to provide information regarding any such identification and memorialization effort from initiation to completion or termination of such program to satisfactorily comply with reporting requirements.

Should a college exhaust avenues for the identification of any enslaved individuals, who labored on former or current institutionally controlled grounds and property, the institution only needs to note that such efforts have been completed on a particular date and year.

3. Documentation, including website or article links, are recommended but not required to be included in any report to SCHEV, with all necessary rights to reproduce, disseminate, and share granted to SCHEV.

Article II

COMMUNITY BASED-ECONOMIC DEVELOPMENT & EMPOWERMENT PROGRAM GUIDELINES

A. Authorization and overview: Institutions of higher education provide more than training and education necessary for career track employment. Institutions, often, are economic drivers within their regions of influence. With the strength of curriculum development, collaborative relationships within their communities and other strategies, our public institutions of higher education are well positioned to provide tangible benefits to communities and the workforce. In accordance with § 23.1-615.1 of the Code of Virginia (Virginia Code), subject institutions are authorized to annually provide such beneficial programming for individuals or specific communities with demonstrated historic connection to slavery or those still experiencing the legacy of slavery that will empower them to break the cycle of poverty.

B. Definitions:

1. For the purposes of these guidelines, “community based economic development (CBED)” programs are those strategic programs that foster the economic well-being of communities. Often referred to as self-development programs, CBED

have the potential of creating new jobs or reducing a local area's dependence on external supports.

2. For the purposes of these guidelines, a "historic connection" must be personal, a logical connection to slavery and cannot have linked to those who benefited from the institution of slavery.
3. For the purposes of this guideline, "tangible benefit" shall refer to measurable benefits, savings, or cost reductions. Tangible benefits may include, without limitation, increased revenue or income, increased production or quality, goodwill, or customer, employee or citizen satisfaction, reductions in the costs of doing business, or increased access to education, social, health, housing and other community-related services.
4. For the purposes of this guideline, other empowerment programs, shall refer to any such program that fosters social, ecological, and cultural well-being of communities. Such programs can include social activities, functions, opportunities, and services that help individuals assimilate and integrate into society.

C. Funds:

1. The institutions shall develop any community-based economic development programs or empowerment programs with funds made available from gifts, grants, donations, bequests, and other non-state funds as may be received for such purpose. The subject institutions will be charged with reporting new programs developed and implemented as well as any continuing programs that confirm with the mission of § 23.1-615.1.
2. Pursuant to Virginia Code § 2.2-1815 "state funds" are those public funds or moneys from any source, belonging to or for the use of the Commonwealth, or for the use of any state department, division, officer, board, commission, institution, or other agency or authority owned or controlled by the Commonwealth; **however, for this guidance**, the term "state funds" will refer to state general funds and those non-general funds, such as tuition and fees, will constitute the types of funds prohibited be used for any aspect of the Enslaved Ancestors. **Donations made to the institution on behalf of the Program will be considered non-state funds for the purposes of this guidance.**
3. The following uses will considered a waiver or exempt from the prohibition:
 - a. Compensation for staff who provide support for any designated activity or event;
 - b. Costs associated with obtaining licenses, permission and other such intellectual property rights;

- c. Compensation of researchers, who support general research in conjunction with the institutions' mandate to determine and identify those enslaved ancestors;
- d. Costs associated with administering and promoting the activity or event to the community; and
- e. Costs associated with maintaining records or collecting data regarding the particular event or activity.

All other activities that do not fall within the above listed categories cannot use state general funds or tuition and fees revenue.

D. Research:

1. Institutions may collect and assess information relevant to the goals of the program:
 - a. May include regional economic data and demographic and socioeconomic data, including educational attainment, human capital assets and labor force characteristics of its regional population.
 - b. Regarding its own infrastructure assets, including historic preservation, cultural, climatic, geographic, and environmental concerns. This assessment may include close proximity or relationships with minority-serving institutions (MSIs) and opportunity zones as well as existing community partnerships, workforce or otherwise.
 - c. Regarding regional and institutional strengths, weaknesses, opportunities, and threats. This information can include regional vulnerabilities and challenges.
2. Once relevant information is collected, the institutions shall develop programs or action plans based on the strategic priorities of the institution and for the region. Such plan should include mission, goals, metrics for evaluating the success of those goals, implementation plan for the program, roster of stakeholders responsible during the implementation periods, funding sources and costs, and timelines for execution of the plan.

- E. Partnerships:** Institutions may partner with other groups, entities, and centers in order to meet the requirements of this guideline as long as all statutory requirements are met through the collaboration.

F. Programs:

1. Potential programs must meet the baseline requirements of Virginia Code § 23.1-615.1 and provide tangible benefits as outlined in this guidance. Examples of such programs may include, but are not limited to, the following:
 - a. Internships, Externships and Job Placement Programs
 - b. Career Retooling Programs
 - c. Educational camps
 - d. Career Pathway Programs
 - e. Bridge Training Programs
 - f. Workforce Investment Programs
 - g. Curriculum Development
 - h. Community Outreach Programs
 - i. Cultural Competency Programs
 - j. Diversity/Exploration Programs
 - k. Housing Assistance
2. Any programs shall conform to the laws of the Commonwealth, and the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and Virginia Code § 2.2-4311 (Virginia Public Procurement Act (VPPA)). And any such program shall not discriminate against any participant on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status as a veteran, or disability.

G. Reporting:

1. In reporting information regarding compliance with Virginia Code § 23.1-615.1, the institution must certify that state general funds and non-general funds prohibited, as outlined by SCHEV guidance, were not used for any aspect of this program, other than as allowed under this guidance. Additionally, the institution must continue to provide information regarding any such Community-based economic development or empowerment program from initiation to completion or termination of such program to satisfactorily comply with reporting requirements.
2. Documentation, including website or article links, are recommended but not required to be included in any report to SCHEV, with all necessary rights to

reproduce, disseminate, and share granted to SCHEV. Metrics showing program success; however, must be reported on an ongoing basis.

H. Entitlement: This guidance and/or the associated statutory authority shall not be construed as creating any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the Program.

I. Obligation:

1. Institutions are under no obligation to continue any specific Community-based economic development or empowerment program should said institution determine that resources are better suited for another program or project which falls within the requirements of Virginia Code § 23.1-615.1.
2. An institution's obligation to continue with community based economic development or empowerment programs, as required by statute, will terminate in accordance with Virginia Code 23.1-615.1. Most specifically, the institution shall continue said for a period equal in length to the period during which enslaved individuals supported the institution; however, if the institution has concurrent scholarships program, the community based economic development or empowerment programs may terminate on the date that the institution has awarded number of scholarships equal to their confirmed enslaved population.

Article III

SCHOLARSHIP PROGRAM GUIDELINES

A. Definitions:

For the purposes of this scholarship,

1. "Historic connection to slavery in Virginia" or "nexus" can be demonstrated in a variety of ways. An applicant may submit a personal statement (general articulation) or submit documentation that shows a personal and logical connection to slavery or continues to experience the negative legacy of slavery.
2. An "enslaved individual," in the historical context, is any person who was deemed property of the institution or was forbidden to quit their service for another person or corporate entity. An enslaved individual, in the historical context, may have been placed under this condition of servitude due to indebtedness, military defeat, having a parent who was enslaved, and in most cases for Native Americans and Africans through forcible removal from their native community, or forced in-place enslavement of entire communities.

3. "Experiencing the negative legacy of slavery" means social and economic conditions born out of the institution of slavery which negatively impact an individual's ability to fairly achieve in society. This negative legacy may include, but is not limited to, economic inequality and limited access to communal networks of assistance and technology and inadequate funding of K-12 education.

B. Eligibility:

1. Basic requirements:

- a. Must be enrolled or accepted for enrollment at the subject institution and not to the other public or private institutions of the Commonwealth.
- b. May be enrolled part-time or full-time attendance
- c. Enrolled in a four-year undergraduate or graduate, including professional, degree program at the subject institutions.

2. Eligibility requirements: For the purpose of this scholarship, a student is presumptively "eligible" when that individual:

- a. Is a Virginia student as defined by Virginia Code §§ 23.1-502 through 23.1-505.1, who establish a demonstrated historic connection to slavery in Virginia or students who are members of a community that is still experiencing the legacy of slavery such as the cycle of poverty shall be eligible for consideration for an award.
- b. Demonstrates a personal and historic connection to slavery or membership in a community which continues to experience the negative legacy of slavery in Virginia. Those individuals who are not biologically connected to those who were enslaved are presumptively not eligible.
- c. Intends to begin, continue, or complete education at the subject public institution of higher education in the Commonwealth.

3. Conditions:

- a. Before any scholarship is awarded, the applicant shall sign an acceptance form under the terms of which the applicant
 - 1) Affirms the accuracy of the information provided to the institution;
 - 2) Affirms that the award is subject to availability of funds and continued enrollment in an approved education program and
 - 3) Agrees to permit the institution to share personally identifiable information with the State Council of Higher Education for evaluation and reporting purposes.
- b. Priority may be given to those individuals whose ancestors may have been enslaved individuals connected to the present institution.

- C. Funds:** With the funds made available from gifts, grants, donations, bequests, and other non-state funds as may be received for such purpose, scholarships may be awarded during the institution's academic year and any scholarships awarded shall be reported annually.

D. Award

1. Institutions may determine the amount, frequency or terms of any financial assistance awards granted under this Program and subject to the availability of funds.
2. Awards may be provided annually with subsequent awards subject to the availability of funds.
3. **Priority:** The institution shall determine the protocol for the prioritization of eligible applications for an award. These criteria may include, but are not limited to: meeting program application deadlines, order of receipt of application, U.S. citizenship, the degree in which the claim for eligibility is verifiable or documented, direct connection to an individual enslaved on the institution's property 1865 or prior, level of poverty experienced by the eligible applicant, first generation in college, initial degree for the applicant, permanent residence within a community near the institution, connection with the institution's community-based programs under the statute, or other indicia consistent with the requirements and intent of this program.
4. **Restrictions:**
 - a. No scholarship awarded under this Program shall exceed the estimated cost of attendance for the specific program in which the student is enrolled, as determined by the institution.
 - b. The scholarship award may be reduced by the Institution's Selection Committee to ensure that, when such award is added to other financial assistance, the award does not exceed the annual total costs of tuition, a book allowance, and fees, pursuant to this section.
 - c. The award, when combined with all other financial assistance from any source, including, but not limited to, a scholarship, grant, tuition waiver, veteran benefits, or employer reimbursement, shall not exceed the student's estimated cost of attendance.

E. Entitlement:

1. This guidance and/or the associated statutory authority shall not be construed as creating any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the Program.

2. Scholarships shall be awarded to the extent funds are made available to the Program through gifts, grants, donations, bequests, or other funds.
- F. **Duration:** An institutions obligation to continue any related scholarships programs, as required by statute, will terminate in accordance with Virginia Code 23.1-615.1. Most specifically, the institution shall continue said scholarship programs for a period equal in length to the period during which enslaved individuals supported the institution or when the institution has awarded number of scholarships equal to their confirmed enslaved population.
- G. **Falsification of information:** Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a scholarship or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 3 misdemeanor.