

Senate Bill 2030

House Appropriations Committee – Education and Environment Division

March 15, 2021

Testimony Submitted by Dr. Florin Salajan, President of the Faculty Senate
North Dakota State University

Dear Chairman Monson and Members of the House Appropriations Committee:

I am writing to urge you to **strip the amendment** added to Senate Bill 2030 that introduces new language in the section 15-10-48 of the ND Century Code, intended to limit funding eligibility for higher education institutions.

While our faculty enthusiastically support the original intent of the bill to increase the funding available to the higher education challenge matching grant program, this added amendment sets a dangerous precedent for legislative overreach into academic research across the North Dakota University System (NDUS). This amendment raises serious concerns for and constitutes a direct infringement on academic freedom, with the potential for unintended consequences across the NDUS system.

Infringement on Academic Freedom

Academic freedom refers to the ability of teachers, students, and educational institutions to pursue knowledge without unreasonable political or government interference. Institutional academic freedom safeguards the university as a whole from government or other external encroachment. Included within this concept is protecting the right of universities and colleges to engage in all aspects of intellectual activity and the faculty's autonomy in deciding what research to conduct and publish. Academic freedom falls under the First Amendment. For there to be any governmental regulation, the government must provide evidence that it has a compelling government interest in regulating the matter using the most narrowly tailored or least restrictive means to achieve its compelling interest in order to be constitutional.

A research university like NDSU should not be subjected to limitations on its areas of research out of concerns that it may offend the political views of particular members of the state legislature. This represents an infringement on academic freedom, a fundamental principle of any academic pursuits and most important for the long-term success of any institution of higher education. Political pressure is not, nor can it be the basis on which academic decisions are made. Conditioning financial appropriations on the content and funding sources of scholarly research fundamentally violates institutional academic freedom and amounts to a breach of faculty's individual liberties and freedom of speech protected under the U.S. Constitution's First Amendment.

This amendment sets a dangerous precedent by enabling the state legislature to exert control over the research and teaching agendas of SBHE institutions through funding restrictions. If unchallenged, this power has future implications for other areas of research and could cause irreparable injury to the ways in which institutional research contributes to our state. For instance, if powerful companies did not like certain research, could they lobby the legislature to punish a university to prevent the research? Would the legislature limit research on other areas select legislators perceived to be controversial or incompatible with their personal political priorities, such as climate change, renewable energy, artificial intelligence or human genomics research?

Unintended Consequences

This amendment may be directly aimed at NDSU under the misconception that the targeted NDSU grant involves abortion services, when in reality the NDSU grant is solely related to providing education about evidence-based standards to prevent unwanted pregnancy. However, the amendment may have significant unintended consequences for other higher education institutions and organizations across North Dakota.

For example, the amendment may render any university within the SBHE system with a nursing or medical school ineligible to receive the funding. Abortion is part of all healthcare curricula and, according to professional accrediting organizations, it must be presented in ways that allow the rigorous and prudent examination of both abortion and childbirth options.

As a part of NDSU's land-grant mission, our faculty are committed to providing education without restriction to the citizens of our state. This amendment interferes with NDSU's ability to provide this unencumbered education and will unjustifiably limit student scholarships for students from our state.

In sum, on behalf of the campus faculty it represents, the NDSU Faculty Senate acknowledges and welcomes the prerogative of the state legislature to allocate funding for higher education institutions in our state, particularly in the present dual crisis spurred on by an ongoing pandemic and budgetary exigency. However, **the Faculty Senate firmly opposes the legislative overreach into academic research via the SB 2030 amendment and urges state legislators to reverse this decision so patently intended to stifle academic freedom.** Encroachment on the core values of individual liberty and freedom of speech, both protected by the First Amendment, has no place in North Dakota where protection of these values is fundamental to our citizens.

Respectfully,



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Faculty Senate President