

Birgit Pruess, Ph.D.  
3696 Harrison St. S  
Fargo, ND 58104

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67<sup>th</sup> Legislative Assembly  
State of North Dakota  
Senate Education Committee

Chair Schaible and members of the Education Committee,

My name is Birgit Pruess and I am resident of Fargo, North Dakota. While I am an employee of the state university system, I am here testifying as a private citizen, with a solid knowledge of the North Dakota Higher Ed system. I am providing testimony against HB1503.

I testified on behalf of the respective free speech bill during the last legislative session. I was actually very happy with the outcome of this bill, where the State Board of Higher Education (SBHE) and the eleven institutions had to come up with their own free speech policies. I did not think the narrow deadline would be possible to meet, but was pleasantly surprised that everybody did.

I am surprised that the topic is being brought up again. General concerns I have about legislature dictating free speech, as opposed to the SBHE, are the following:

- 1) The SBHE assumes jurisdiction over our Higher Ed institutions (Century Code 15-10-01.1).
- 2) As requested during the 2019 legislative session, the SBHE now has a free speech policy (policy 503.1).
- 3) Legislature meets once every two years. The SBHE meets almost every month of the year and is much quicker at addressing needed changes.

In particular, I am opposed to the new statement under point 4 “by guaranteeing, at a minimum, no faculty member will face adverse employment action for classroom speech, unless the speech is not reasonably germane to the subject matter of the class as broadly construed and comprises a substantial portion of classroom instruction”. The concerns I have with this statement are the following:

- 1) Free speech is guaranteed to ALL citizens by the United States Constitution, amendment 1. Faculty are citizens.
- 2) Who determines what kind of speech is ‘reasonably germane to the subject matter’? The student? One would think that it should be the course instructor who decides what is included in the subject matter.

Altogether, I just don’t see a need for a continuation of a free speech discussion, as this has been addressed previously and policies are in place. I am therefore testifying in opposition of HB1503.

Sincerely and respectfully



Birgit Pruess