

**University Senate**  
Twamley Hall, Room 201  
264 Centennial Dr Stop 8382  
Grand Forks, ND 58202-8382  
UND.edu/university-senate

**HB 1446**

ND Senate Education Committee

March 10, 2023

Chairman Elkin and members of the Senate Education committee:

My name is Robert Newman. I am a professor at the University of North Dakota and Chair of UND's University Senate. On behalf of the UND University Senate I submit this **testimony in opposition to HB 1446**.

**1. The bill, should it become law, would directly harm the state of North Dakota, its citizens and students by significantly degrading the tenure system, thereby dramatically reducing the ability of the eleven schools of the NDUS to meet their missions.**

- Tenure is an essential protection for academic freedom and thus the quality of higher education.
- Our universities compete in a national job market for the best scholars, researchers, and educators at the college/university level. The bill is already putting North Dakota in a bad light and if passed will put us at a significant disadvantage in attracting faculty who could choose employment in other states.

**2. The bill misrepresents the meaning of tenure.**

- Tenure protects academic freedom, it does not protect against failure to perform the duties expected of faculty. The State Board of Higher Education already has policies and procedures in place to respond decisively to performance- or fiscally-related faculty deficiencies, including termination of tenured faculty.
- Faculty undergo years of education and rigorous evaluation to earn graduate degrees, and are required to demonstrate scholarly or creative productivity before they would even be considered for faculty positions. After they are hired, tenure-track faculty are evaluated annually over a 6 year probationary period. After being awarded tenure, they continue to be evaluated annually. There are no guarantees of job permanence for anyone.

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Today, the University of North Dakota rests on the ancestral lands of the Pembina and Red Lake Bands of Ojibwe and the Dakota Oyate — presently existing as composite parts of the Red Lake, Turtle Mountain, White Earth Bands, and the Dakota Tribes of Minnesota and North Dakota. We acknowledge the people who resided here for generations and recognize that the spirit of the Ojibwe and Oyate people permeates this land. As a university community, we will continue to build upon our relations with the First Nations of the State of North Dakota — the Mandan, Hidatsa, and Arikara Nation, Sisseton-Wahpeton Oyate Nation, Spirit Lake Nation, Standing Rock Sioux Tribe, and Turtle Mountain Band of Chippewa Indians.

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**3. Involvement of faculty is critical to a fair and effective review system.**

- Effective administration of a college or university requires faculty involvement. However good a President and leadership team may be, shared governance with faculty is the best way to ensure that the collective wisdom of the people delivering all aspects of the institution's mission (the faculty) is accessed for the benefit of students, research productivity, and service.
- Faculty who have experience doing the job are the people best positioned to assess the contributions of faculty and advise administrator leaders (Deans, Provosts, Presidents) on tenure decisions and renewal. Faculty are also the first to be impacted when other faculty underperform. The final decision is already made by administrators, based on the recommendations they receive.

**4. Granting university presidents—or their designees—the unilateral power to terminate faculty without due process, is NOT the solution to ANY problem.**

- Even as a restricted pilot project the bill, if passed, would set a damaging precedent that would have ripple effects throughout the entire NDUS.
- Allowing appeal from one political appointee (a president) to another (the chancellor) does not provide any protections for academic freedom. If there is cause to terminate any faculty member, that must be established through policies and procedures already in place, based on evidence, and never based on personal disagreements or whim.

**We urge the committee to oppose HB 1446 and vote Do Not Pass.**

Respectfully,

Robert Newman, PhD. / Chair, University Senate, UND