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Re: SB2247

Dear Committee Chair Elkin and members of the Senate Education Committee,

I am a resident of North Dakota and like to provide this testimony as a private citizen and not in representation of a group. I am opposed to bill SB2247, 'relating to divisive concepts at institutions of higher education'.

Of course, I am fully aware that our society has become more divisive. I consider that a good thing. After all, the first amendment gives us the right to free speech. ALL of us. I also don't think that silencing people who represent about half of our population can be in anyways a solution. In part because it goes against the first amendment. But I can also say that after close to 30 years in American higher ed, our campuses are not nearly as divisive as some people might think. Most of us follow a common goal, and that is to provide a high quality education to our students. After all, "A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people". This was a citation from the North Dakota Constitution Article VIII Education, Section 1. Section 6.b states that "The said state board of higher education shall have full authority over the institutions under its control". If I understood North Dakota history correctly, the state board of higher education was invented to keep politics out of our institutions. I am now going into the individual sections of the proposed bill.

- 15-10.6-2.1.b "Required to endorse a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation". I have served on such committees many times and never even knew the political or religious orientation of the candidate. Careful here, this can be used in both directions and not just the intended one.
- 15-10.6-2.2 "An institution under the control of the state board of higher education may not ask the ideological or political viewpoint of a student, job applicant, job candidate, or candidate for promotion or tenure". At least the ideological part is not needed. We are already prohibited from doing that. I have below copied a statement from the NDSU website (https://www.ndsu.edu/equity/equal_employment_opportunity_and_affirmative_action/). "Affirmative Action Program for Minorities & Women - Executive Order 11246 of 1965 (as amended) - requires affirmative action programs for women and minorities and prohibits job discrimination on the basis of race, color, religion, sex or national origin". If ideological equals religion (which I think it does), at least that part of the item is already covered by federal law.
- 15-10.6-03, the entire paragraph on training. I just took Title IX training, which is mandated, but not by the institution. It is a federal law. Title IX is "An Act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes". The Act is effective since June 23, 1972. This is FEDERAL LAW, not an institution specific training. It applies to all institutions that receive federal funds. I highly recommend to

run this section or better the entire bill by a lawyer to make sure it is in compliance with federal law. We certainly don't want to end up in a situation, where our researchers can't be eligible for NIH, NSF, or USDA grants anymore because we are in violation of federal law.

- 15-10.6-04, the entire paragraph on survey. If our legislative assemble insists on it, I highly recommend to provide funding, as this is very personnel intensive. Also, similar surveys on campus climate are already done, though not every two years.

Altogether, I am testifying in opposition to SB2247 for the reasons given above.

I do have to say I appreciate the effort, work, and time that all of my legislators are putting into this session and I thank you for your service. I am sure there will be other bills or resolutions that I will be happy to support.

Sincerely and respectfully

Birgit Pruess, Ph.D.