

Chairman Elkin and members of the Committee,

My name is Dr. Robert Newman. The views I share here are my own; I speak only for myself in this note. I am a Professor at the University of North Dakota and I am the current Chair of the University Senate. I have been engaged in higher education since I began college in 1977 and I have enjoyed living and working in North Dakota for almost 30 years.

I oppose SB 2247 because it is not a remedy for any real problem that does not already have a solution, and because the bill creates problems by interfering with legitimate education and training.

1. None of the long list of “divisive” concepts are being promoted, endorsed, supported, or otherwise embraced by anyone I have encountered in my 40+ years in higher education. Neither has anyone I know of been asked to endorse any of these ideas as a condition for hiring, promotion, or graduation, or anything else. It does not even make sense that these are called “divisive” concepts. The only thing that would make them divisive is if people disagreed about their merit. I hope we all agree that these are all terrible ideas. We should not be divided on that point.
2. In the many searches I have been involved in over the years we have not only never asked a job candidate for their views on any of these concepts, we have always specifically and intentionally avoided questions or conversations about anything political, personal, or ideological. This is already policy.
3. Given points 1 and 2, there is no need for legislation to solve a non-problem.
4. The prohibition on training or education that includes divisive concepts is a serious problem in itself. It is a significant breach of academic freedom and impedes our ability to help students understand the impacts that all of these “divisive” concepts have had on our history and our present.

Sadly, the concepts listed here are real problems that have been a part of the fabric of this country from the beginning and are still with us today in some form. This is well-documented and undeniable. Recognizing a problem is essential to identifying solutions. There are troubling disparities among people of different racialized identities and between sexes in income, wealth, health, life span, educational and economic opportunity, and the pursuit of life, liberty, and happiness that persist to this day *because of* discriminatory policies and behaviors in the past. We cannot understand the present without understanding how we got where we are today, and we certainly cannot mitigate continuation of racist, sexist, or other discriminatory ideas, behaviors, and policies if we cannot teach students how to recognize them, about their consequences, and how to avoid them. We do not promote any ideology, but we absolutely promote the freedom to talk about difficult and sometimes uncomfortable topics. Making it illegal to include these in education violates the established and widely accepted principle of **academic freedom, which is a hallmark of democracy.**

The list of “divisive” concepts is long and broad and at least some of these will be encountered in academic programs. It is critical that students and employees understand the nature of the problem so we can all act to achieve a better future. The point of every diversity training program or educational curriculum I have seen is to learn about the problems, how to avoid them, and how to create a supportive and positive organization. How can that be a bad thing? It all begins with education. An education that is honest, based on evidence, that promotes critical thinking, and that sometimes makes participants uncomfortable. Learning about bad things such as these “divisive” concepts should make anyone uncomfortable. But discomfort is not divisive! Disagreement and how to work through it and find common ground and solutions that work for everyone is part of life. But I hope that everyone would agree that racism, sexism, gender identity discrimination, discrimination on the basis of religion, ethnicity, country of origin, disability, or anything else are real problems and we need to talk about them.