

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1437

Introduced by

Representatives Motschenbacher, Hauck, J. Johnson, Klemin, Lefor, Meier, Rohr, Dockter
Senators Larson, Rummel, Dwyer

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota
2 Century Code, relating to academic tenure policy at institutions of higher education.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Academic tenure - Policy - Evaluations.**

- 7 1. By July 1, 2026, institutions of higher education under the control of the state board of
8 higher education offering faculty academic tenure shall develop and adopt a policy for
9 tenured and tenure-track faculty employed by the institution, which:
- 10 a. Defines progression and advancement criteria at each stage of tenure
11 progression, including criteria for continued post-tenure review.
- 12 b. Establishes a procedure for annual evaluation of all nontenure, tenure-track, and
13 tenured faculty by the president of the institution or the designee of the president.
- 14 c. Establishes a procedure for post-tenure evaluations, which must be informed by
15 the annual evaluations under subdivision b and conducted by a committee
16 appointed by the president of the institution or the designee of the president. The
17 first post-tenure evaluation must be completed within three years. Subsequent
18 post-tenure evaluations must be completed at least every five years or more
19 frequently.
- 20 d. Provides the composition of a culminating post-tenure evaluation committee must
21 include the administrative supervisor of the faculty member being evaluated, at

1 least one ranking administrator, and tenured faculty comprising no less than
2 one-third and no more than one-half of the committee.

3 e. Defines the outcome of an unsatisfactory review of post-tenured faculty, which
4 may be removal from the position. The decision to remove faculty from a position
5 must be made by the employing institution and the state board of higher
6 education.

7 f. Is approved by the state board of higher education.

8 2. Advertisement of open faculty positions by institutions of higher education under the
9 control of the state board of higher education offering faculty academic tenure must
10 designate the position as nontenure-track or tenure-track. Upon offering a tenure-track
11 position to a candidate, the institution shall provide the candidate the policy required
12 under this section.