

## FIRST ENGROSSMENT

### 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 evaluations must  
19 be completed at minimum every five years.
- 20 d. The post-tenure review committee must be comprised of the administrative  
supervisor of the faculty member being evaluated or  
reviewed, at least one ranking administrator, and faculty that number no less than  
one-third and no more than one-half of the committee. The composition of the  
committee must assure fidelity to performance excellence within the faculty role.

- 1           e. Defines the outcome of an unsatisfactory review of post-tenured faculty, which  
2           may be removal from the position. The decision to remove faculty from a position  
3           must be made by the employing institution and the state board of higher  
4           education.
- 5           f. Is approved by the state board of higher education.
- 6       2. Advertisement of open faculty positions by institutions of higher education under the  
7       control of the state board of higher education offering faculty academic tenure must  
8       designate the position as nontenure-track or tenure-track. Upon offering a tenure-track  
9       position to a candidate, the institution shall provide the candidate the policy required  
10       under this section.