

March 14, 2021

Dear Chairman Monson and members of the Committee:

Thank you for allowing me to submit testimony regarding Senate Bill 2030, regarding the North Dakota Higher Education Challenge Grant program.

My name is Liz Legerski and I am an Associate Professor of Sociology at the University of North Dakota (UND). This year I am also acting as the Chair of the UND Senate and serving on the Council of College Faculties as the Faculty Advisor to the State Board of Higher Education.


As you know, the Challenge Grant program helps leverage the promise of \$1 of state funding for every \$2 raised by North Dakota University System foundations and private donors to support scholarships for ND students.

These funds have also been used to support academic programming for students. For example, at UND, Challenge Grant funding has helped fund an Executive Scholar Program, which provides students with experiential learning in corporate environments. This funding has also been used to support an annual Leadership Academy, designed to help students expand their individual leadership strengths and understanding of components of leadership such as ethics and collaboration. These funds have also been used to support graduate student research opportunities as well. It's a great program that I was glad to see was endorsed by the Senate Appropriations committee unanimously.

Unfortunately, one of the amendments added to the Challenge Grant bill (SB2030)ⁱ places conditions on the eligibility of these funds that are so broadly written they may prevent NDUS institutions from utilizing this important source of funding if any of their faculty partner with researchers or organizations that approve of materials that may be perceived by others as not encouraging normal childbirth - even if the purpose of their research or collaboration has nothing to do with abortion.

Collaborations between faculty researchers and outside organizations are quite common, especially in areas related to health, medical care, or education. These collaborations may involve, for example, an outside organization that provides evidence-based, age-appropriate educational programming for a community, and NDUS researchers who would be responsible for working with that organization to evaluate the effectiveness of this programming. These kinds of research collaborations are not uncommon and benefit both communities and NDUS institutions.

In fact, research partnerships are often critical to the development and receipt of competitive research grants in higher education. I recently went to grants.gov and searched for grants related to health education available to public and state controlled institutions of higher education, which resulted in over 500 grants worth millions of dollars, sponsored by organizations such as the National Institutes of Health, Centers for Disease Control and Prevention, Department of Education, and more. When researchers collaborate with other scholars and service providers - including private businesses, nonprofit organizations, public health agencies, and other educational institutions - this often improves the competitiveness of these grants.



Unfortunately, the language of the amendment added to the Challenge Grant bill is so broad it may have unintended consequences, stifling opportunities for research collaboration with researchers and organizations beyond the intended targets of this amendment, and the restrictions outlined in this amendment may be particularly problematic for students at NDUS institutions with health, medical, and education related professional programs.

In short, this amendment's limitation on who faculty can partner with in their research could be construed as legislative overreach, and not only undermines the principle of academic freedom, but ultimately punishes students who benefit directly from this funding through access to scholarship opportunities and educational programming.

While I respect the convictions of the sponsors of this bill's amendment, I hope we can all agree that the Challenge Grant bill is not the place to advance those convictions. Please do not hold this important source of funding hostage. I urge the members of this committee to remove this amendment from the bill before it moves to the House for consideration.

Below you will find the resolution opposing the amendments to SB 2030 passed by the Council of College Faculties on March 9, 2021.


Thank you for your time.

Respectfully,



Liz Legerski, PhD

ⁱ The North Dakota State Senate adopted an amendment to SB 2030 on February 18, 2021, to include an eligibility clause stating that "The institution is not sponsoring, partnering with, applying for grants with, or providing a grant subaward to any person or organization that performs, or promotes the performance of, an abortion unless the abortion is necessary to prevent the death of the woman, and not participating or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization, that between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth."



March 9, 2021

Resolution in Opposition to SB 2030 Amendments

Whereas, the North Dakota Senate Bill 2030 provides funding to the State Board of Higher Education (SBHE) to advance academics and provide student scholarships at North Dakota University System (NDUS) institutions through a challenge matching grant program that provides \$1 of state funding for every \$2 raised by the institutional foundations, and

Whereas, SB 2030, as originally written, was a popular, non-political program that received a do pass recommendation from the committee, and

Whereas the North Dakota State Senate adopted an amendment to SB 2030 on February 18, 2021, to include an eligibility clause stating that “The institution is not sponsoring, partnering with, applying for grants with, or providing a grant subaward to any person or organization that performs, or promotes the performance of, an abortion unless the abortion is necessary to prevent the death of the woman, and not participating or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization, that between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth,” and

Whereas the 67th North Dakota Legislative Session approved Senate Bill 2030 with an amendment creating “Section 2. Paragraph 3 of subdivision b of subsection 1 of section 15-10-48 of the North Dakota Century Code;” and

Whereas the amendment, as written, violates the First Amendment of the United States Constitution, which guarantees freedom of expression without government censorship or restriction by federal, state, or local government actors; and

Whereas, this amendment introduces language into the North Dakota Century Code which would limit funding eligibility, and

Whereas, this amendment represents legislative interference with scientific-based education, and

Whereas, this amendment threatens academic freedom, a central principle of higher education, and

Whereas, this amendment threatens faculty research, an important source of scholarship and funding, across the NDUS, and

Whereas legislative overreach via this amendment threatens accreditation by the Higher Learning Commission for higher education institutions as well as specific professional programs, and

Whereas, this amendment may have other significant unintended consequences for students, faculty, and NDUS institutions; and

Whereas, the North Dakota State Senate also adopted the following amendments to Section 4. Amendment. Subdivision a of subsection 1 of section 15-10-49 of the North Dakota Century Code is amended and reenacted as follows:

- a. (2) University of Jamestown and university of Mary for projects dedicated exclusively to student scholarships.

And to Section 6. Amendment. Subdivision c of subsection 1 of section 15-10-49 of the North Dakota Century Code is amended and reenacted as follows:

c. (3) Seven hundred fifty thousand dollars each to Dakota college at Bottineau, university of Jamestown, Lake Region state college, university of Mary, and Williston state college.

Whereas the North Dakota Constitution Article VIII, Section 5 states: All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.

Therefore, be it resolved that the Council of College Faculties opposes these amendments to SB 2030, and

Therefore, be it resolved that the Council of College Faculties urges the North Dakota State House of Representatives to remove these amendments to SB 2030.