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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1446

Introduced by

Representative Lefor

A BILL for an Act to create and enact two new sections to chapter 15-10 of the North Dakota Century Code, relating to a pilot program for tenured faculty review at institutions of higher education; to provide for a legislative management report; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Faculty tenure duties and responsibilities - Pilot program - Report to legislative management.

1. ~~In response to the urgent need to accelerate workforce development, the~~The state board of higher education shall implement a four-year pilot program focused on the ~~two~~ new campus models at Bismarck state college~~, now a polytechnic college,~~ and Dickinson state university~~, now a dual-mission university,~~ no later than May 1, 2023, to improve the tenure process. The pilot program may not apply to a research university.

2. A tenured faculty member employed at an institution of higher education under the control of the state board of higher education shall:

~~1. Generate more tuition or grant revenue than the combined total of the salary, fringe benefits, compensation, and other expenses of the tenured faculty member plus all other costs of employing the faculty member, including employment taxes. The compensation costs of a tenured faculty member must be adjusted to reflect the faculty member's assumption of administrative responsibilities and related lessening of the faculty member's teaching responsibilities, where applicable.~~

~~2.~~ a. Comply with the policies, procedures, and directives of the institution, the institution's president and other administrators, the state board of higher education, and the North Dakota university system.

~~3.~~ b. Effectively teach and advise a number of students approximately equal to the average campus faculty teaching and advising load.

~~4.~~ c. Engage in measurable and effective activities to:

~~a.~~(1) Help ~~recruit and~~ retain students for the institution.

~~b.~~(2) Help students achieve academic success.

~~c. Further the best interests of the institution including providing advice and shared governance to campus leaders, and exercising mature judgment to avoid inadvertently harming the institution, especially in avoiding the use of social media or third-party internet platforms to disparage campus personnel or the institution.~~

~~5.~~ d. Perform all other duties outlined in any applicable contract and position description.

3. An institution involved in the pilot program under this section:

a. May adopt policies and procedures requiring tenured faculty to promote advancement of and further the mission of the institution.

b. Shall provide a progressive report of the pilot program to the legislative management no later than December 31, 2025.

c. Shall provide a final report of the pilot program to the legislative management no later than December 31, 2026.

SECTION 2. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Faculty tenure review by presidents of institutions of higher education.

1. The president of each institution of higher education ~~under the control of the state board of higher education~~ designated under section 1 of this Act may review performance of any or all of the duties and responsibilities under section 1 of this Act of any faculty member holding tenure at any time the president deems a review is in the institution's best interest.

2. A review under subsection 1 ~~may~~must include a written assessment of whether the faculty member is complying with the duties and responsibilities reviewed.

3. If a president determines a tenured faculty member has failed to comply with a duty or responsibility of tenure, the president may not renew the contract of the tenured faculty

member, unless the president specifically articulates why it is in the interest of the institution to continue to employ the faculty member despite the faculty member's failure to comply with the duties and responsibilities of tenure.

4. The president of an institution may enlist the assistance of an administrator at the institution to conduct a review but may not delegate responsibility for the review to a faculty member who is not an administrator.

5. When conducting a review under this section, the president of an institution may assess and review other factors relevant to the faculty member's employment and the interests of the institution and the institution's students.

6. A review under this section is not ~~appealable or~~ reviewable by a faculty member or faculty committee. A faculty member whose contract is not renewed or whose employment is terminated or suspended as a result of a review under this section may appeal the review to the commissioner of the state board of higher education. The president is subject to review and assessment by the ~~state~~ commissioner ~~of higher education~~ and the state board of higher education for the reviews the president conducts under this section.

7. The president and any administrators delegated to assist the president shall fulfill these duties without fear of reprisal or retaliation. No complaint, lawsuit, or other allegation is allowed against a president or other administrator for actions taken pursuant to these provisions. The state shall indemnify the members of the state board of higher education, the president of an institution of higher education, or an administrator of an institution of higher education for all reasonable costs, including attorney's fees, incurred in defending any actions taken pursuant to this Act.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.