

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1446

Introduced by

Representative Lefor

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

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

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

7 **Faculty tenure duties and responsibilities - ~~Pilot program~~Program - Report to**
8 **legislative management.**

- 9 1. The state board of higher education shall implement a four-year ~~pilot~~ program focused
10 on the new campus models at Bismarck state college and Dickinson state university
11 no later than May 1, 2023, to improve the tenure process. The ~~pilot~~ program may not
12 apply to a research university.
- 13 2. A tenured faculty member employed at an institution of higher education under the
14 control of the state board of higher education **as listed in subsection 1** shall:
- 15 a. Comply with the policies, procedures, and directives of the institution, the
16 institution's president and other administrators, the state board of higher
17 education, and the North Dakota university system.
- 18 b. Effectively teach and advise a number of students approximately equal to the
19 average campus faculty teaching and advising load.
- 20 c. Engage in measurable and effective activities to:
- 21 (1) Help retain students for the institution.
- 22 (2) Help students achieve academic success.
- 23 d. Perform all other duties outlined in any applicable contract and position
24 description.

- 1 | 3. An institution involved in the ~~pilot~~ program under this section:
- 2 | a. May adopt policies and procedures requiring tenured faculty to promote
- 3 | advancement of and further the mission of the institution.
- 4 | b. Shall provide a progressive report of the ~~pilot~~ program to the legislative
- 5 | management no later than December 31, 2025.
- 6 | c. Shall provide a final report of the ~~pilot~~ program to the legislative management no
- 7 | later than December 31, 2026.

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

10 | **Faculty tenure review by presidents of institutions of higher education.**

- 11 | 1. The president of each institution of higher education designated under section 1 of this
- 12 | Act may review performance of any or all of the duties and responsibilities under
- 13 | section 1 of this Act of any faculty member holding tenure at any time the president
- 14 | deems a review is in the institution's best interest.
- 15 | 2. A review under subsection 1 must include a written assessment of whether the faculty
- 16 | member is complying with the duties and responsibilities reviewed.
- 17 | 3. If a president determines a tenured faculty member has failed to comply with a duty or
- 18 | responsibility of tenure, the president may not renew the contract of the tenured faculty
- 19 | member, unless the president specifically articulates why it is in the interest of the
- 20 | institution to continue to employ the faculty member despite the faculty member's
- 21 | failure to comply with the duties and responsibilities of tenure.
- 22 | 4. The president of an institution may enlist the assistance of an administrator at the
- 23 | institution to conduct a review but may not delegate responsibility for the review to a
- 24 | faculty member who is not an administrator.
- 25 | 5. When conducting a review under this section, the president of an institution may
- 26 | assess and review other factors relevant to the faculty member's employment and the
- 27 | interests of the institution and the institution's students.
- 28 | 6. A review under this section is not reviewable by a faculty member or faculty
- 29 | committee. A faculty member whose contract is not renewed or whose employment is
- 30 | terminated or suspended as a result of a review under this section may appeal the
- 31 | review to the commissioner of the state board of higher education. The president is

1 subject to review and assessment by the commissioner and the state board of higher
2 education for the reviews the president conducts under this section.
3 7. The president and any administrators delegated to assist the president shall fulfill
4 these duties without fear of reprisal or retaliation. No complaint, lawsuit, or other
5 allegation is allowed against a president or other administrator for actions taken
6 pursuant to these provisions. The state shall indemnify the members of the state board
7 of higher education, the president of an institution of higher education, or an
8 administrator of an institution of higher education for all reasonable costs, including
9 attorney's fees, incurred in defending any actions taken pursuant to this Act.

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