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Re: SB2247

Dear Committee Chair members of the House Education Committee,

I am a resident of North Dakota and like to provide this testimony as a private citizen and not in representation of a group. I have testified in opposition to SB2247 as presented to the Senate and am still opposed to the changed bill, now 'relating to specified concepts at institutions of higher education'.

First of all and most importantly, the North Dakota Constitution Article VIII Education, Section 6.b states that "The said state board of higher education shall have full authority over the institutions under its control". If I understood North Dakota history correctly, the state board of higher education (SBHE) was founded to keep politics out of our institutions. If the problem this bill aims to fix really existed, it would be up to the SBHE to address it. I am now going into the individual sections of the proposed bill. Note that I will limit myself to those of the sections that I have personal and professional experience with.

- 15-10.6-2.1.b "Required to endorse or oppose a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation". I have served on hiring, tenure, promotion, and graduation committees a combined total of 70 or 80 times over the course of 19 years. I never even knew the political or religious orientation of the candidate. Our policies for each of these career steps are very well spelled out and the expectations are shared with the candidates early in the process. We follow the process in a step by step manner. Also, there is a large number of people involved in each of these decision making processes. That leaves very little room for personal bias of an individual. As an example, this is the link to the Promotion, tenure, and evaluation policy at NDSU (<https://www.ndsu.edu/fileadmin/policy/352.pdf>).
- 15-10.6-2.2 "An institution under the control of the state board of higher education may not ask the ideological or political viewpoint of a student, job applicant, job candidate, or candidate for promotion or tenure". At least the ideological part is not needed. We are already prohibited from doing that. I have below copied a statement from the NDSU website (https://www.ndsu.edu/equity/equal_employment_opportunity_and_affirmative_action/). "Affirmative Action Program for Minorities & Women - Executive Order 11246 of 1965 (as amended) - requires affirmative action programs for women and minorities and prohibits job discrimination on the basis of race, color, RELIGION, sex or national origin". If 'ideological' equals 'religion' (which I think it does), at least that part of the item is already covered by federal law.
- 15 - 10.6 – 05.1.c "An institution from training students or employees on the nondiscrimination requirements of federal or state law, or from requiring a student, faculty member, or employee to comply with federal or state laws, including antidiscrimination laws, or from taking action against a student, professor, or employee for a violation of federal or state law". This is somewhat of a no brainer and my whole problem with this bill. We are all very obviously under federal and state law. This includes anti discrimination laws. Much of what is written under 15 - 10.6 – 02 is already covered by existing laws. Much of what is written under 15-10.6-03 is in contradiction to

federal law, such as Title IX. I am below detailing my concerns with the training paragraph.

- 15-10.6-03, the entire paragraph on training. I just took Title IX training, which is mandated by federal law. Title IX is “An Act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes”. The Act is effective since June 23, 1972. This is FEDERAL LAW, not an institution specific training. It applies to all institutions that receive federal funds. I highly recommend to have this section or better the entire bill checked by a lawyer to make sure it is in compliance with federal law. We certainly don’t want to end up in a situation, where our researchers can’t be eligible for NIH, NSF, or USDA grants anymore because our institution is in violation of federal law.
- 15-10.6-04, the entire paragraph on survey. If our legislative assemble insists on it, I highly recommend to provide funding, as this is very personnel intensive. Also, similar surveys on campus climate are already done, though not every two years.

Altogether, I feel like this bill tries to solve a problem that does not even exist under current federal and state laws, as well as institutional policies. I am testifying in opposition to SB2247 for the reasons given above. Please, give this bill a ‘DO NOT PASS’ vote.

I do have to say I appreciate the effort, work, and time that all of my legislators are putting into this session and I thank you for your service. I am sure there will be other bills or resolutions that I will be happy to support.

Sincerely and respectfully

Birgit Pruess, Ph.D.