

## Individual Testimony in Opposition to Senate Bill 2247

Dear Chair Heinert, Vice Chair Schreiber-Beck, Members of the House Education Committee:

My name is Anastassiya Andrianova. I am a tenured faculty member in English at North Dakota State University (NDSU) and also the President of the NDSU Faculty Senate. I write to you today in opposition to Senate Bill 2247 (specified concepts, diversity trainings) and request a **DO NOT PASS on SB 2247**. I write on my own behalf and *not* on behalf of my employer, NDSU.

Earlier in this session, I wrote to the Senate Education Committee to oppose the original version of Senate Bill 2247. That testimony is available [online](#) on the legislative website. You are now considering a heavily amended and very confusing version of this bill. I am in favor of the specific amendments meant to uphold free speech and academic freedom on college campuses, as provided by the First Amendment; however, some of these amendments not only qualify but even contradict the original language of the bill, making it impossible to figure out what its intention is, what it means, or how it can possibly be implemented.

Honorable Legislators, the bottom line: this bill is a mess. It is a political rather than a legal bill, and if it passes, it will most definitely head to the Attorney General's Office for clarification. I don't think even lawyers can understand what it means or what its implications are.

One undesirable implication is that Section 15-10.6-02. 1.b. **Required to endorse or oppose a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation** contradicts an existing tenet of the ND Century Code, which requires employees at universities under the SBHE to sign [the loyalty pledge](#) to the state of North Dakota upon appointment (15-10-13.2-3). The loyalty pledge is a specific ideology.

There are, moreover, contradictions. The same Section 15-10.6-02. 2, which prohibits “[a]n institution under the control of the state board of higher education [from] ask[ing] the ideological or political viewpoint of a student, job applicant, job candidate, or candidate for promotion to tenure” is contradicted by Section 15-10.6-04. 1, which mandates that each institution under the SBHE “conduct a biennial [...] survey of the institution’s students and employees to assess the campus climate.” This means that institutions under the SBHE both cannot and must ask students and employees about their ideological or political viewpoints.

Or, another example: under Section 15-10.6-03. 1, an institution under the SBHE is prohibited from “conduct[ing] mandatory noncredit earning training of a student or employee if the training includes a specified concept.” However, Section 15-10.6-05. 1.c exempts mandatory nondiscrimination trainings if they are “requirements of federal or state law.”

But the protections for free speech also do not address all possible scenarios where academic freedom is involved. The aforementioned Section 15-10.6-02. 2.a. **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** would prohibit a search committee from asking any questions that include “specified concepts”

during an interview, such as how a job candidate's teaching philosophy informs their research if the teaching philosophy or research includes a "specified concept." If a job candidate is interviewing for a position in Women's and Gender Studies, wouldn't the search committee be prohibited from asking anything about their research or teaching because it mentions gender? But teaching and research should be protected under academic freedom and the First Amendment!

Finally, SB 2247 would effectively prohibit any nondiscrimination or antidiscrimination trainings that are not federally or state mandated, as per Section 15-10.6-03. 1.b. **Use a noncredit earning training program or training materials in a noncredit earning training for a student or employee if the program or material includes a specified concept.** Unlike in 1.a., there is no mention of "mandatory," so this would presumably apply to all noncredit trainings. For example, trainings for members of search committees provide guidance on how to eliminate bias and provide an objective evaluation so that the best qualified candidate is selected for the job. Surely, you would *not* want such trainings to be outlawed?

This is a very confusing bill, full of self-contradictions, and it raises more questions than it means to address. We already have academic freedom policies that protect faculty and students. We have another bill, [House Bill 1503](#) (enacted into law in 2021), that already protects speech on campuses. So why do we need another bill to reiterate more of the same but in a completely incomprehensible way?

Therefore, I strongly urge you to vote **DO NOT PASS on SB 2247**.

Sincerely,  
Anastasiya Andrianova  
Fargo, ND