



SB 2247

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Chair Heinert and Members of the Committee: My name is Carter Gill and I am writing as a delegate on behalf of the North Dakota Student Association. I am here today in opposition of SB 2247.

The North Dakota Student Association is dedicated to ensuring that students have a voice at the table in policy that affects higher education. We consist of delegates from each of the 11 public North Dakota University System (NDUS) institutions, meeting monthly to engage students in discussions about North Dakota higher education policy. Since 1969, our mission has been to empower students, create collaboration between the student bodies of the North Dakota public universities, and to provide a student perspective on higher education policy.

In January of 2023, the NDSA approved a resolution in opposition of this bill. In this resolution, the NDSA reiterates its support for academic autonomy of university faculty and that the NDUS trusts that they possess the necessary qualifications to facilitate academic and professional discussions, along with supporting students pursuing academic opportunities that would increase their understanding and knowledge. SB 2247 would directly conflict with this resolution from the NDSA in favor of academic freedom.

Should SB 2247 become law, it would be extremely detrimental to the quality of higher education in North Dakota. The definitions created by this bill are incredibly vague and are built from logical fallacies that mischaracterize and misrepresent founding tenets of theories and philosophies, without which would render many fields of academia in higher education impossible to learn about. This restriction of what can be taught in college classes and limit classroom discussion is a violation of academic freedom and freedom of expression provided by

the First Amendment. Any student in the NDUS should have the right to pursue higher education and be free from academic mandates and echo chambers.

Section 15-10.6-3, which prohibits discrimination in relation to specified concepts, is already a practice in place. In *Keyishian v. Board of Regents* (1967), the US Supreme Court deemed a New York state law that was meant to prevent the employment of “subversives” in teaching and other public employee jobs unconstitutional. While this ruling referred to the term “subversives” as a means of preventing the employment of communists, the Court’s ruling still applies to SB 2247. Item 1, line A of this section prohibits an employee of an institution under control of the SBHE from being discriminated against for an individual’s refusal to “support, believe, endorse, embrace, confess, act upon, or otherwise assent to or oppose a specified concept,” and the same would apply to those who do subscribe to those specified concepts being discriminated against, which *Keyishian v. Board of Regents* deemed unconstitutional. Harry Keyishian was an English professor at the State University of New York at Buffalo when he refused to sign an oath stating he wasn’t a communist. So, I would ask for clarification as to how this section provides any different protections than those already provided from precedent in federal law.

Section 15-10.6-03, which prohibits “specific concept training,” would impede students in the classroom, the workplace, and during their college experience. For example, education majors in the state would be unable to complete mandatory diversity practicums, resident assistants could not participate in necessary diversity awareness discussions, and freshman students would be unable to attend beneficial diversity orientation sessions. These discussions are not meant to “indoctrinate” students under some kind of “woke ideology” like some may believe. Diversity training in these sessions are meant to prepare students for situations in their professional lives that without those trainings, they would be unable to respond in an appropriate manner. Under this clause, social science departments across the state would be unrecognizable, as many of the definitions and ‘specific concepts’ in this bill directly target fields of study in social sciences like Women and Gender Studies, Sociology, Philosophy, History, and Political Science.

The passage of SB 2247 would surely lead to an exodus of professors and other faculty from North Dakota in response, so they can instruct their classes without unnecessary and vague restrictions. While this is entirely speculation, this bill has the potential to cause a collapse of the NDUS system as state universities and colleges would be without faculty to teach required

courses. An inability for students for complete their degrees would leave them no other choice but to transfer to institutions outside of the NDUS, moving to neighboring states and removing any economic benefit that the universities and colleges brought to this state, whether that be from an incoming workforce as students complete their degrees and, after they graduate, and choose to stay in the state, or from students' general economic activity that would not exist without attendance at their institution, or from the fine arts and sporting events that students participate in that brings spectators and viewers from within and outside of North Dakota.

This bill, should it pass, would violate the academic freedom and freedom of expression of the students and faculty of the NDUS. The NDSA supports the academic autonomy of the NDUS and trusts that faculty possess the qualifications to properly facilitate academic discussion, and that students should be free to pursue whatever academic opportunities they deem fit to better their knowledge and understanding of their field. This legislation would without a doubt handicap the ability of faculty to properly and adequately teach their classes and the ability of students to learn content material thoroughly and accurately.