

March 7, 2023

Honorable Members of the House Education Committee,

I am submitting this testimony **in opposition** to Senate Bill (SB) No. 2247 on my own behalf, as a citizen and resident of North Dakota, not as a representative of any institution or interest group. I will not rehash here, but I fully support, the eloquent arguments made by other individuals who submitted testimonies in opposition to this bill. SB 2247 was deeply flawed and full of self-contradictions when its first iteration was introduced in the Senate on January 13, 2023. Notwithstanding the revisions it has gone through, it remains poorly written, full of incomprehensible jargon, conflicting and convoluted language and, worst of all, offers solutions to non-existent problems in the North Dakota University System.

I will only point to two major contradictions in this ill-conceived bill that render it pointless:

1. Proposed section 15-10.6-02. Specified concept-Prohibition on discrimination is simply not reflected in the current reality of ND higher education and, arguably, other state higher education institutions around the country. In my experience as a faculty member, I have not been or have no knowledge of faculty colleagues being pressured by their universities to disclose their political or ideological views, express positions contradicting their systems of values or beliefs, much less endorse or oppose a “specified concept” at any time during their hiring or promotion and tenure process. There are already stringent institutional policies and practices in place, emanating from federal and state statutes, that prohibit state employers, especially higher education institutions, from demanding such information or compliance from prospective and current employees.
2. Proposed section 15-10.6-05. Construction and purpose, in its entirety, defeats the very purpose for this bill’s existence. I note that, as it rightly should, this section upholds the fundamental principles enshrined in the U.S. Constitution’s First Amendment and, by extension, protects academic freedom. In fact, this section implicitly acknowledges that the “specified concepts” this bill so tortuously tries to depict as harmful or threatening to faculty, students and staff are in fact protected under the U.S. Constitution. This, again, begs the question: what is the issue this bill is trying to address?

The logic embedded in SB 2247 simply does not stand up to scrutiny and, in fact, is designed to stifle healthy conversations about racism, social justice and equity on NDUS campuses, all of which are complex and pressing issues our multifaceted, diverse and open society. If enacted, SB 2247 will serve as a template for a type of censorship representative of autocracies against which our country has fought devastating wars in the past to prevent them from spreading their pernicious ideologies to our shores. Such attempts at censorship are manifestly un-American and unconstitutional.

Consequently, I strongly urge you to vote **DO NOT PASS** on SB 2247. Thank you for your consideration.

Sincerely,

Florin D. Salajan, Ed.D.