

SB 2247  
3/7/23 AM

## Testimony on Bill 2247

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My name is Andy Armacost, and I serve as the President of the University of North Dakota. I offer neutral testimony on engrossed bill 2247 but with suggestions for several additional modifications.

Thank you to the bill's authors for the thoughtful modifications that preserve the two bedrock principles of free speech and academic freedom, ideas that this legislature clearly holds dear.

I urge the committee to continue to recognize academic freedom and free speech as vital and to ensure those protections remain. Policy groups like the Foundation for Individual Rights in Education, or FIRE, the American Association of University Professors, and the ACLU continue to work with states to ensure these freedoms are sustained. UND currently has a green speech code rating from FIRE, meaning it's recognized by FIRE as a university with policies that protect free speech.

These are not new ideals. In the 1957 case, *Sweezy versus New Hampshire*, the Supreme Court reminded us that:

*The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.*

The goal of a university is not to indoctrinate its students or employees into a particular way of thinking, but to expose them to many ways of thinking. In its original form, the bill prevented one viewpoint from being presented, which, in effect, created an opposing orthodoxy for universities to adopt. This undermines those two bedrock principles. Is it best for students to determine for themselves to what they think and believe, or should it be mandated by legislative action?

If this legislation continues to move forward, I urge the committee to consider additional modifications.

First, consider removing the prohibition on using state funds to incorporate specified concepts into curriculum. This is problematic in that it implies that state funds may be used to support other viewpoints. FIRE stresses that this type of viewpoint-based denial of state funds for a specific purpose is contrary to long-standing protections for academic freedom. Thus, this provision contradicts the assurance of academic freedom stated in the bill.

Second, consider revising the definition of training, which currently includes seminars and other non-credit-bearing events. Often, the richest discussion about challenging issues happens outside of the classroom in seminars and other forums. We have non-credit seminars that are fundamental to the academic mission of the university. Preserving freedom of speech in seminars is critical to the principles of academic freedom and freedom of speech. Moreover, any prohibition should apply only to mandatory training, where we would not want to create a situation where it appears there is a compelled viewpoint whose acceptance is a condition of employment.

Finally, the scope of this bill applies only to higher education and not to other state agencies. This seems to place this issue squarely under the purview of the State Board of Higher Education.

As a society, we continue to wrestle with current-day issues related to well-documented racial and gender disparities, including unequal treatment in healthcare systems or pay inequity in the workforce. We must not limit a university's ability to speak about these contemporary issues, as well as the path through our nation's history and the promise of liberty and justice for all. We should be encouraged to talk about these perspectives at our institutions of higher learning.

In closing, I remain deeply concerned about the message this bill sends to prospective students and employees -- that there is only one way of thinking about our nation's history and how its citizens have been impacted. Exposure to other viewpoints is a fundamental component of a university's function in society and essential to examining, validating, or modifying our own views of the world. This is what members of a free society must do.

Thank you.