

Testimony in Opposition to HB 1446

January 30, 2023

To the House Government and Veterans Affairs Committee

My Name is Karen Hale Lewis, and I am an Associate Professor of Sociology at Dickinson State University. I teach Sociology and Criminal Justice at Dickinson State. I am a tenured professor, since 2017, and currently under Promotion Review. I write in strong opposition of HB 1446.

From the beginning of the bill, the faculty policies outline responsibilities. Faculty are reviewed annually and can be placed on performance improvement plan reviews or PIPs. The current administration, under the direction of President Stephen Easton and former VPAA Dr. Debora Dragseth, has been found allegedly by a compliance report of the NDUS, as support evidence, to abuse PIPs on faculty who are outspoken or critical of the administration. Deans and selected Department Chairs were chosen to oversee faculty outside their department and even outside their college using fake PIPs. These PIPs enforced on faculty, included actions like having them complete requirements, some even violating HIPPA and other federal guidelines. One Department Chair was actively working to remove another faculty member for having rigor in the classroom work and accountability of students, going as far as violating FERPA and Student Records Privacy. Please see the attached supporting evidence Case Investigation Report from April 25, 2022.

Additional issues are the measurable ways this law if passed can be implemented, solely at the discretion and will of the president. In addition, giving one person almost complete authority without review, due process, or appeal diminishes the values we stand for as organizations with shared governance. Shared governance is an important factor for education institutions in a process that governs staff, faculty, and student senates and is part of the foundation of checks and balances in Higher Education. For example, I am a faculty Senator and represent my Social Science Department on campus. This is also an important factor for the accreditation of an educational institution in higher education. Another problem with implementation is many faculty that teach higher-level courses have smaller classes and would not be able to justify singular classes. Teaching Criminal Justice and Sociology, my upper-level courses are composed of mostly majors in that area not university wide students.

Dickinson State University used to have a 2 to 1 ratio of faculty to staff, but now we have less than a 1 to 1 ratio of faculty to staff. My question is how can we have institutions of learning with only administration and staff, yet blame faculty or only hold faculty accountable for the problems? Previously the administration has also highlighted the numbers of tenured faculty compared to adjuncts, but in the past years while Stephen Easton has been president, we have seen some of the best, tenured faculty leave for more competitive positions and desirable work environments. We have seen an increase in annual contracts and these positions have either gone unfilled or have high turnover. We cannot attract talented faculty to teach at our institution without competitive compensation, so a tenure position is a deciding

difference to relocate to North Dakota, as most faculty members have. In addition, DSU had the best Science program in the state just two years ago, with all qualified PhD's, but all of those faculty have been run off by S. Easton's administration. Please read the evidence provided in the Compliance report and related to the bill in question under Moving a faculty Tenure Line, Performance Improvement Plan Violations, and Separations also mentioned earlier.

This administration has spent the past two years divesting general education (lower-level courses) and the College of Arts and Sciences to invest in Business, Education, and Athletics. Again, I should point out that programs like Psychology, Criminal Justice, Addiction Studies, and Pre Law are all in the Department of Social Science and in the College of Arts and Sciences. These are the fastest growing majors on campus at DSU and this department is the second largest, serving strongly in general education courses and foundational knowledge, yet it has been significantly reduced. These general education programs are important to any student of any major, teaching fundamental skills like English, Math, Science, and Arts.

This bill is an attack on faculty at DSU and I feel a form of retaliation, specifically for me as I filed an EEOC complaint for ADA accommodations last year, adding the institution created a larger toxic and hostile work environment with intimidation, lack of clear procedures, and systemic problems in communication. I terminated my employment after over 11 years because it took over 6 months after a request of accommodation, all these records would be open records. This includes some of my health records as well becoming open records. This complaint was also made to the NDUS compliance auditor. After working with Karol Riedman, I wrote a letter to have my job reinstated and full benefits returned to me. My position was reinstated completely and fully after state legal counsel made the determination; accommodations were provided upon my immediate return (as if I had never left). This information is not listed in the compliance report because it was resolved to remove my cause and complaint.

Additionally, I feel this bill is retribution to other tenured faculty who have been outspoken against illegal and unethical practices in hiring and promotions, requisitions of open records, and procurement. Please also keep in mind it was faculty and staff who were unafraid to speak out about previous issues including the former foundation and diploma mill scandal of overcounting student enrollment in the Business Department. This bill is a way to bypass state policy to remove tenured faculty at DSU. Why is this significant? Tenured faculty are in a more protected position from retaliation and harassment allowing for critical oversight, than untenured faculty and staff. Under this bill new faculty and staff will have more rights and protections than tenured faculty.

Aside from the lack of merit, this bill would impact the accountability of the administration and create a free environment to discipline or fire faculty at will. This bill is not about financial issues, tenured faculty not completing their job responsibilities, or about education really at all. Please let me be clear, this bill is an abuse of power by Stephen Easton and the friendship and support of a powerful position that Representative Lefor holds in North Dakota.

It is with great fear, that I too feel a need to speak my truth for the values I hold dear like accountability, integrity, transparency, justice, respect for others, and for the communities I continue to educate and support. I truly feel there are two main purposes of the tenure bill: the first goal is to create enough stress that tenured faculty leave voluntarily, and the second goal is personal retaliation. I hope you will look at this legislation carefully.

<https://www.insidehighered.com/news/2023/01/26/bill-north-dakota-presidents-could-fire-tenured-faculty>

<https://www.forbes.com/sites/michaelnietzel/2023/01/24/north-dakota-is-about-to-consider-a-really-bad-faculty-tenure-bill>

Attached are policies and procedures that already exist in place from the NDUS system and SBHE that grant tenure in the State of ND and oversee processes of nonrenewal and termination of faculty contracts.

<https://dickinsonstate.edu/about/policies/index.html>

Policies

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