

**Written Testimony**  
**Submitted in Opposition to House Bill 1446**  
**by Dr. Anastassiya Andrianova**

Honorable Chairman Schauer, Vice Chairman Strom, and Members of the Government and Veterans Committee:

My name is Anastassiya Andrianova, and I am submitting this testimony **in opposition to House Bill 1446, relating to tenure review**. I am a tenured associate professor at North Dakota State University (NDSU) in the Department of English. I started at NDSU in 2014 and was granted tenure in 2020. I served for 2 years on my department's Promotion, Tenure, and Evaluation (PTE) Committee. I also currently serve as the President of the Faculty Senate, which strongly endorses the principles of shared governance. As someone who has knowledge and experience with the tenure process, I write on my own behalf and *not* on behalf of NDSU. In addition to my personal testimony, I am also submitting the statement in opposition to this bill approved by the Executive Committee of the NDSU Faculty Senate, which I chair.

I understand that there is some concern among North Dakota taxpayers about the academic tenure process at institutions under the control of the State Board of Higher Education (SBHE), as well as the financial accountability of post-tenure faculty. I truly appreciate you taking the time to inquire into this matter. However, I am opposed to HB 1446 that would grant university presidents unilateral power to review and fire tenured faculty without appeal. Below I provide four reasons:

1. **Academic tenure is different from the private sector and is tied to academic freedom, a fundamental faculty right and one of the criteria for accreditation.**

According to SBHE [Policy 605.1](#), "The purpose of tenure is to assure academic freedom." The duties and rights related to academic freedom are set forth in SBHE [Policy 401.1](#), and the [1940 Statement of Principles on Academic Freedom and Tenure](#) (Rev. 1990), adopted by the American Association of University Professors and the Association of American Colleges. It is precisely due to tenure that faculty can weigh in on matters of management and finance that are of vested interest to ND taxpayers, even if it places them at odds with upper administration. Making tenured faculty feel vulnerable and fear retaliation will result in them becoming less willing to hold their institutions accountable. Because it would grant NDUS presidents the unilateral power to fire tenured faculty without appeal, HB 1446 can be seen as targeting whistleblowers.

Academic freedom is, moreover, one of the criteria for accreditation by the Higher Learning Commission (HLC), NDSU's accreditation body. As per HLC [Criterion 2: Integrity: Ethical and Responsible Conduct](#), an accredited "institution is committed to academic freedom and freedom of expression in the pursuit of truth in teaching and learning" (Section D), and its "governing board preserves its independence from undue influence on the part of donors, elected officials, ownership interests, or other external

parties” (Section C, item 4). HB 1446 can be seen as infringing on academic tenure by “external parties” (i.e., the state legislature) and therefore puts NDUS institutions of higher education at risk of losing their accreditation.

**2. The existing policies and procedures for faculty promotion, tenure, and review ensure ethical review, rigorous screening, and multiple checks and balances.**

These policies, which include post-tenure review, are: SBHE [Policy 605.1: Academic Freedom and Tenure; Academic Appointments](#) and NDSU [Policy 352: Promotion, Tenure and Evaluation](#).

HB 1446 is meant “to improve the tenure process,” but this process is not broken. Academic tenure takes 6 years, including an intradepartmental third-year review, and it requires a series of independent reviews of a faculty member’s teaching, research, and service at multiple levels: the department PTE committee; the department chair; the college PTE committee; the college dean; and the university provost. At a minimum, that involves 12 individuals. Although specific criteria vary by academic department and discipline, some also involve external reviewers to ensure rigorous, fair, and ethical review. In English, that means 3 other external individuals weigh in on a faculty member’s research. The tenure process is not finalized until the SBHE confers tenure.

**3. The proposed bill infringes on shared governance by granting a university president the unilateral power to terminate tenured faculty without appeal or review. There already exist fair policies for tenured faculty termination/dismissal.**

The NDSU Faculty Senate upholds the [principles of shared governance](#), which are articulated in SBHE [Policy 305.1: Institution President Authority and Responsibilities; Contract Terms](#), that “each President shall ensure effective and broad-based participation in the decision-making process from faculty, staff, students, and others in those areas in which their interests are affected” (Section 4.a). Faculty work collaboratively and democratically with staff and students on matters of mutual interest for the betterment of the university.

What’s more, there already are policies for tenured faculty termination under SBHE [Policy 605.1](#) due to financial exigency, “upon discontinuance of the program in which the faculty member is employed” (Section 7). Under NDSU [Policy 350.3: Board Regulations of Nonrenewal, Termination or Dismissal of Faculty](#), the appointments of tenured faculty may be terminated “following a determination by the Board that a financial exigency exists which requires such an action at an institution or institutions,” which may include loss of appropriated funds, loss of programs, or elimination of courses (Section 6). Further, according to the same NDSU [Policy 350.3](#), “A faculty member may be dismissed at any time for adequate cause,” which includes inadequate teaching, unsatisfactory performance reviews, neglect of duty, and other failures to perform responsibilities (not covered under disability protections), as well as significant violations of Board policy (Section 8). However, faculty also maintain the

right to appeal the recommendation for dismissal to the Standing Committee on Faculty Rights within 21 calendar days of the dismissal recommendation.

The right to appeal is written into policy to safeguard against unfair treatment. The absence of the faculty's right to review or appeal makes HB 1446 undemocratic, unfair, and will likely result in costly lawsuits.

If there exists a perception that faculty are not held accountable post-tenure, let me assure you that there are mechanisms already in place—all the way up to the dismissal procedure described above. Universities have a number of administrators: chairs, deans, and other chief academic officers (vice provosts, provosts) who regularly evaluate faculty, pre- and post-tenure, and in cases where it is warranted, academic contracts may be renegotiated to adjust workloads (research, teaching, and service) to better reflect faculty productivity. Faculty and their supervisors can be trusted, and again, if such adjustments do not produce satisfactory results and “adequate cause” for termination is found, there are already policies and procedures for dismissal.

- 4. If enacted and extended to all 11 campuses in the system, this bill would have a devastating impact on faculty well-being, recruitment, and retention; the prestige of the university system; the well-being, recruitment, and retention of students; and, in effect, on workforce development and the overall economy of North Dakota.**

Simply put, this bill will be a serious blow to our state's workforce.

Although, in its current form, HB 1446 enacts a “four-year pilot program” that is “focused on” Dickinson State University and Bismarck State College, and says that the pilot “may not apply to a research university” like NDSU, the bill also references the new review and firing powers of *each* university president under the control of the SBHE.

Making tenure vulnerable to the whims of a university president would deter prospective researchers and teachers from coming to our state and would also have a chilling effect on current faculty and students. I suspect that faculty will leave in droves. This legislation has already made national news, shining a negative light on the NDUS system in an *Inside Higher Education* [article](#) and in *Forbes*, among others. If enacted, it would result in wide-ranging economic losses to the university system and to the state as a whole, with faculty lines lost and/or not filled, and with a related hit to the quality of teaching and learning deeply impacting our students. The effects of low morale will likely spread to staff, as well. Without faculty, staff, and students, we cannot run universities.

Therefore, I strongly urge you to vote **DO NOT PASS on HB 1446**.

Thank you for your consideration.

Dr. Anastassiya Andrianova, PhD