



HB 1446

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Chair Kasper and Members of the Committee: My name is Adelyn Emter, and I am the Chief of Staff for the North Dakota Student Association (NDSA). I am here today in opposition of HB 1446.

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 give a student perspective on higher education policy. In addition to representing the NDSA, I have collaborated with the Student Senate of Dickinson State University (DSU) in an effort to ensure the impacted university's voices are heard.

One prominent concern we have is the impact [HB 1446](#) would have on NDUS schools' institutional accreditation status. All universities are required to be accredited under North Dakota Century Code 15-18.1-05, and there are two core components enumerated under this statute put at risk by this legislation. First, institutional governance must engage its internal constituencies, including its governing board, administration, faculty, staff, and students. Second, the institution's administration must ensure that faculty are involved in setting academic requirements, policy, and processes through effective collaborative structures. The institution's accreditation through the Higher Learning Commission requires institutions to meet and demonstrate these core components. If the bill takes faculty decision making away from the

process of tenure, these components are in jeopardy under Section 2 of [HB 1446](#). If institutions cannot meet these standards, they could lose accreditation, and risk closure.

As written in [Article VIII of the North Dakota State Constitution](#), the State Board of Higher Education (SBHE) is to have full authority over the institutions it controls. [HB 1446](#) ignores and encroaches on the authority constitutionally granted to the SBHE, setting a dangerous precedent for the legislature to have unchecked control over higher education. Currently, individual institutions and the SBHE uphold a set of standards and only approve tenure after a 6-to-7-year probationary period of full-time work and satisfactory performance. As mentioned in Daniel Rice's testimony, after tenure is granted, faculty are still subject to periodic performance review and may be terminated for valid reasons as outlined in policy approved by the SBHE.

This bill would not "improve tenure," but rather would severely restrict tenure opportunities at Bismarck State College and Dickinson State University. According to the [American Association of University Professors](#), the purpose of academic tenure is to protect the academic freedom of faculty to teach and conduct research for the benefit of society. This bill is modeled on a corporatized system; however, the purpose of tenured faculty is not to generate profit for an institution but rather to teach and discover knowledge for the service of society. [HB 1446](#) would strip tenured faculty of the right to appeal administrative decisions and the right to seek legal redress for wrongful termination, granting campus presidents absolute authority to unilaterally terminate tenured faculty members at will. All state employees, including faculty at NDUS institutions, must have the right to due process when facing a change in contract or employment termination.

The passage of this [HB 1446](#) will also significantly increase the severe challenges the North Dakota University System (NDUS) is facing with recruiting and retaining talented faculty to our state and will add to the workforce shortage in North Dakota. The NDSA has historically supported a variety of initiatives focused on staff and faculty retention, including in [NDSA-12-2223](#) discussing the Higher Education Budget Allocation for the 23-25 Biennium, and [NDSA-15-2223](#) in opposition to the removal of the civil service defined benefit system. [HB 1446](#) may force institutions to find new faculty members who are willing to accept an unsure fate where tenure is concerned. The significant negative impact on faculty retention would critically disadvantage North Dakota institutions by failing to provide faculty with competitive career

opportunities in the American workforce. Not only does this put institutions at risk where “profit” is concerned, but it also negatively affects students. As students, we should have the right to education and should not fear whether or not there will be faculty around to teach our classes and help us receive our degrees. If this decision is meant to be “for profit” the affected institutions will lose income from students who withdraw and choose to enroll at a more secure institution instead. Prospective students whose department of study is no longer available because there are not enough faculty will also be deterred, reducing the overall student population, and harming surrounding communities as well.

On behalf of the North Dakota Student Association and students across the NDUS, I urge the committee to provide a Do Not Pass recommendation on [HB 1446](#).