



HB 1446

Government and Veterans Affairs Committee

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Chair Schauer and members of the Government and Veterans Affairs Committee. My name is Mark Hagerott, and I serve as the Chancellor of the North Dakota University System (NDUS). I am here today on behalf of the North Dakota University System and to testify neutral on HB1446. The SBHE met last week and discussed the Bill and did not take a position nor authorized me to take a position at this time. The SBHE leadership had already begun discussions, as early as the May 2022 meeting, on the need to study post-tenure review and did so again at the most recent Board meeting. That said, I would suggest some amendments to the Bill.

While my testimony is neutral and before I suggest amendments, I want to recognize the importance of several of issues Representative Lefor has identified and thank him for beginning this conversation in North Dakota in a thoughtful, open, and constructive manner. I understand that Representative Lefor has already met with faculty of several campuses, spoken to college administrators, and responded to media queries as he has sought to address what he sees as need for reform.

Representative Lefor is not alone on this issue. Multiple states have embarked on a review of the tenure process, and in some cases large states of tens of millions of residents, as well as presidential candidates, governors, and some state legislatures, have taken action on tenure. In contrast to some of these states, Representative Lefor has not denigrated faculty or campus leadership and has not included provisions on what can or cannot be taught. He has focused narrowly on the issues of the financial and human metrics of faculty productivity: how much tuition or grant revenue are associated with their work, and more importantly, how many humans, how many students, has each faculty member taught, mentored, or inspired to action in beginning or continuing their education. Representative Lefor's openness, accessibility, and civility are most appreciated in time of cyber bullying, fake news, and half-truths, which now plague so much of public discourse.

As for suggested amendments. First would be to amend language to give discretion to the SBHE whether or not to conduct a pilot study of post-tenure review at the two colleges in question. As mentioned above, the SBHE has already begun discussions of this subject, so the need for directive legislative language is thus not necessary.

Second, it appears that Representative Lefor has already addressed some of my early concerns through recent amendments. In my role as Chancellor, I believe post-tenure decisions that affect a faculty member should be subject to appeal. I believe an amendment is already in draft, to make faculty decisions subject to appeal at the NDUS office of the Chancellor. I support that amendment.

A third concern relates to perceived infringements of faculty rights to academic freedom and free speech. I understand Representative Lefor's concern with cyber bullying of staff, faculty, and administrators. I have seen first-hand evidence of dedicated faculty and administrators professionally damaged by groundless accusations or half-truths that were shared not with the person in question, but purposely posted online and are now permanent entries affecting innocent faculty, staff, or administrators, on internet platforms, forever. While this Bill is not the place to propose such solutions, and thus I support amendment to remove such language, I believe the Faculty Senates of all institutions and the Council of College Faculty (CCF), should convene a collaborative effort to propose language to the SBHE and update their respective faculty handbooks to address this growing problem. But not in this Bill.

Next, I believe it would be helpful to add an amendment that would provide additional financial support to the institutions, should they be selected for this pilot program. The legislation focuses on faculty productivity. Some faculty or entire departments may be able to enhance their productivity if given additional financial resources to accelerate program startup, buy needed equipment, or hire support staff.

Lastly, I return to my original position: my testimony is neutral in that the SBHE has not authorized me to take a position and did not do so at the most recent SBHE meeting. I would, however, support an amendment to HB1446 that provides discretion to the SBHE to conduct the pilot and a



study of the tenure policy as roughly outlined in the HB1446 and the NDUS would routinely provide progress and results of that work to the legislative assembly.

This concludes my testimony related to HB1446.