

Testimony for Hearing on HB1446
Eric J. Murphy, District 43

Thank you, Chairman Schauer and my honorable colleagues on the Government and Veterans Affairs Committee. For the record, my name is Eric James Murphy, representative from District 43, Grand Forks.

Today I will testify in opposition to HB1446, which has caused quite a stir among constituents in my district in Grand Forks. This bill is comprised of two major parts, both of which are problematic, that are proposed to be part of a four-year study at Bismarck State College (BSC) and Dickinson State University (DSU). While other institutions in the North Dakota University System (NDUS) are not included, this is the beginning of the proverbial slippery slope.

I am well qualified to testify regarding the major issues this bill raises. As a faculty member at the University of North Dakota for the past twenty-two years, I have taught medical students, graduate students, and undergraduate students. I now teach a large undergraduate section class in the area of pharmacology each fall and spring semester, including this semester. I have teach scientific ethics, lipid biochemistry, as well as Advanced Neurochemistry to graduate students. To medical students I have taught lectures in pharmacology and biochemistry. I have an active research lab and a Hirsch number of 46, which is demonstrates excellent recognition of my research prowess in my field of brain lipid neurochemistry and lipid nutrition. I have served as an editor-in-chief of a science journal for 13.5 years and am a fellow of the American Oil Chemists' Society. I have served the NDUS as a non-voting member of the State Board of Higher Education for 2 years and as President of the Council of College Faculties for one year. I think my background in higher education provides an excellent perspective on this bill.

First, this bill suggests that faculty should raise revenue, in the form of grants and/or tuition revenue in a sufficient quantity to pay for their entire compensation package. In addition, it indicates that faculty should take an active role in recruiting students.

These two points are highly problematic. **First**, it presumes that faculty are positioned to control class size and that all faculty teach high volume classes. **Second**, neither faculty at BSC or DSU are in position to compete for grants on a national scale as neither institution has a research mission imbedded in its overall mission in the NDUS. As such, this requirement is frankly not fair to those faculty at these institutions. Further, the availability of grants and the potential of a high grant award value is highly variable between disciplines, as such it is far from a level playing field. **Third**, this notion promulgates a consumer view of higher education, discounting the multitude of differences between what a faculty member does in higher education compared to an employee is an industrial or business setting. Students are not consumers and faculty are not a salesperson who can just ramp up income based upon selling more of their product, the dissemination of knowledge, to an ever-increasing pool of students. **Fourth**, both institutions have paid professionals who recruit students as their full-time position, but this bill suggests that beside the multitude of duties a faculty member must accomplish, recruiting of students should now be added to the list. **Fifth**, this entire notion ignores the value

of the faculty-student relationship that is even more essential in higher education now, than ever before.

Faculty teach a variety of subjects depending upon their area of expertise, but these classes often vary in the number of students. This variance does not impact the effort put into teaching, although it may reduce the amount of class management required. It takes the same effort to teach 10 or 100 students, although the class management, which involves activity outside of the classroom is much more onerous for a class of 100. However, the variable in the proposed equation to determine appropriate effort is based upon revenue generation, which does not account for the vast differences in class sizes in higher education.

Further, what is often not understood by those not serving as faculty member is that behind the scenes, faculty put in significant effort while striving to enhance student comprehension of the complex subjects taught in their classrooms. As we earn the trust of our students, we often take on a counseling role, one of which most of us are not trained to do. We deal with suicidal students in the middle of the night and students who may need significant help to navigate difficult situations that are overwhelming them. Nobody trains us to do this, but faculty spend a tremendous amount of time working with these students in a manner that is not quantifiable.

Second, this bill suggests that faculty, even those with tenure, can be relieved of their appointment by the President of DSU or BSC if their performance is not adequate. This is tremendously problematic as the president of an institution is the last individual in the chain of evaluation for a faculty member and they are not involved in the yearly evaluation of faculty. In addition, for a vested tenure-track faculty member or a tenured faculty member, specific processes must be followed for termination as defined by SBHE policy. For a tenure-track faculty member, they can be relieved of their duties, but must have an opportunity to grieve through a Standing Committee on Faculty Rights (SCoFR) hearing. A tenured faculty member can be relieved for cause, but again has an opportunity to a SCoFR hearing. These hearings include a hearing officer (at UND we generally use a retired judge), a court reporter, and a panel of five tenured faculty members. I have chaired these hearings and have participated in one that comprised over 40 hours of sworn testimony and some 10 hours of deliberations by the committee prior to submitting a report to the president for their final decision. The lack of a clear delineation of how this policy would be implemented in this bill is a clear violation of SBHE policy.

Further, I think it is important to understand why we have tenure in higher education. We have tenure to promote the freedom of ideas and scholarship. Tenure gives faculty the opportunity for unfettered research, despite the potential for this research to be controversial. It allows faculty the ability to interact in an environment that promotes diversity of thought and of ideas. In other words, the academy is one place in which an faculty member (employee) and vehemently disagree with their chairperson, dean, or president in a manner that respects their autonomy to do so.

In summary, this bill does not recognize these important nuances that tenure provides and does not recognize the unique nature of a faculty member in higher education.

Respectfully, for the reasons stated above, I cannot support this bill in its present form.