

Dear Members of the House Government and Veteran Affairs Committee:

I write in opposition to HB 1446 for the reasons mentioned below, and feel the bill—either in its current form or with substantial revision—will do deep harm to the people and institutions it intends to help.

*A note on the following: While many of the comments below may not pertain directly to the bill in discussion during your hearing today per se, they do reflect my concerns after listening in on House Majority Leader Lefor's comments in the open Zoom forum graciously afforded faculty across the state yesterday as being indicative of the stated reasons for the production and intent of the bill. Thus, though my comments originate in reaction to his comments there, the substance of the concerns I arrive at seem to me to be consistent with the aims of, if not the direct expressions within, the bill in question. In the Dickinson Press article by Robin Huebner published last night at 6:24 p.m., Representative Lefor mentioned that he would be "open to further ideas and discussion and that he would read all of the testimony received in the matter," so I thought it might be best to offer my response to his comments in the testimony phase, here. Please forgive if this approach is either unorthodox or beyond the scope of your hearing. Though I'm currently a tenured Associate Professor of English at Valley City State University, I offer this testimony as a private citizen of North Dakota, and the views espoused below are my own, though informed by 32 years of professorial experience in the NDUS system.*

Of the many assertions made by House Majority Leader Lefor in the virtual forum yesterday that deserve questioning (I see that many other citizens have addressed similar concerns with the Bill proper), three in particular stood out to me. First, while Representative Lefor quoted at length in the forum from an unnamed DSU professor in support of his bill, using one piece of personally chosen testimony that resembles little or nothing of my experiences as a professor in this state—10 of which I spent at what is now Williston State College, earning tenure through a rigorous process there, and the last 22 years of which I've worked diligently at Valley City State, earning tenure again and promotion here through equally rigorous processes—seems a slender reed upon which to rest state-wide faculty opinion at best, and curious—at least for me—to boot. To position one professor's discontents as being indicative or representative of faculty across the state contrasts mightily with my 32 years of experience working in the NDUS system. I work hard to fulfill my calling, a calling, I might add, that has been almost entirely motivated from within, from my sense of duty to the over 3,000 students I've had the privilege to teach under current and past policies and agreements, and from what I feel I owe to the more than 200 colleagues I've served with in common devotion to our respective and respected professions. I am, and always have been, highly motivated, as have been the vast, vast majority of my colleagues.

Second, while Representative Lefor suggested in yesterday's forum that he knew that a "vast majority of tenured professors" performed their duties in a manner that he saw fit—and supported them all—and that he could find "only a handful" of cases where tenured professors had been fired, the vague assertions therein gave me pause. While I'm not privy to the percentages/actual numbers he might be referring to—and it might be fruitful to have those, as

well as the number of tenured professors who have been put on improvement plans by their respective chairs through the extensive review policies put in place by SBHE and mirrored on each campus—it came across as something like ‘we’re not firing enough tenured professors.’ Maybe I’m misreading that; I’m open to being wrong and often have been; but as a seemingly constant member of department faculty evaluation committees—both in my own department and others as needed—and after serving for years on our campus Evaluation, Tenure, and Promotion Committee, I can testify to the fact that in cases where faculty are not meeting expectations, both state and campus policy and procedures are already in place to rectify shortcomings—from the department/department-chair level, to the university-committee level, to the president, and those procedures are far from toothless. Faculty who do not demonstrate a clear and consistent pattern of strong teaching (as evaluated through seven distinct and well-defined criteria on our campus), concerted service to the department, the university, the community, and to the state, and a commitment to scholarship or creative activities in their respective fields are never recommended—from a jury of peers who intimately understand what good work looks like and have high motivation to weed out colleagues that don’t do their share of work and well—for tenure status to begin with. Faculty who survive that process and seek promotion after that—nearly all, in my considerable experience—need to continue to perform at an even more stringent ‘highly competent’ level in each of those three areas for at least four, and more often six, more years to earn promotion—again, at both the department and university-committee level—to even reach the university president’s desk, at which time the president can either approve or not the committees’ recommendations. At that point, again according to SBHE and campus policy, non-approved faculty can appeal through yet another policy procedure established from long experience and due consideration of the legalities involved in fair process. Additionally, even tenured and promoted faculty—at least on our campus—are on the hook for yearly evaluations that reach the VPAA level for redress if any is needed. This all constitutes a high level of shared governance which has always been the hallmark of higher education in the state and nationwide, and one we have been made to understand reflects the wishes—and demands—of the SBHE and national accrediting agencies. This is what we all signed up for, willingly and conscientiously, and this is what is now in our DNA. To suggest that all of this generational work—at the national, state, and local-campus level—is inadequate for its intended purposes suggests that the conscientious and caring work of those who came before us, and the diligent work we put in ourselves, has been for naught.

Finally, at least for now, as a member of again-countless hiring committees, our by far largest challenge—at both WSC back in the 90s and VCSU currently—has been in recruiting and then retaining high quality faculty, especially given the low salaries we could then and can now offer...though our current benefits package does help, provided we’re still afforded that as compensation. Representative Lefor’s assertion that this bill, especially if extended to all eleven campuses as both he and President Easton have repeatedly signaled was the original intent of the idea, will help universities become “lean and mean” is likely true, though any discussion with most presidents and a vast majority of faculty across the system would likely reveal that we’re already bone-scrapingly lean, with many faculty already willingly taking on duties for which we’re not expert and for which have expert professionals on staff already hired

to do, such as marketing and recruiting—I sat in, voluntarily, and just this week, on an effort to provide video marketing materials for our department knowing it was in our own best interest. I'll not touch upon the 'mean' part of the equation, except to say that we're primarily concerned with caring about the future of our faculty and the level of expertise we can offer our students. We recently hired two faculty in our department that we're incredibly happy to have; this bill would give both of them second—and third—thoughts about staying in a state that seems intent on dismantling a fulsome and healthy process to reward their decision and commitment, not to mention the impact it will have on who decides even to apply for any open faculty positions in our fine state.

As mentioned above, I am a proud and long-standing faculty member of the NDUS system, and while these are my personal views, and not reflective of either of the campuses I've served, nor of that system, I am also a citizen of this state going on 32 years, and proud to be a North Dakotan. I know House Majority Leader Lefor and supporters of this bill mean well, but please consider the relevance and potential impacts of the above concerns—as well as those expressed in this forum by citizens who have testified more directly in opposition to this bill for an even wider range of reasons—and please vote 'do not pass' on HB 1446.

Respectfully,

Lee Kruger