

Hello. I am Paul Johanson, tenured Dickinson State University faculty member and current Faculty Senate President. Since the Faculty Senate of DSU has endorsed the CCF statement on HB 1446, the views of the Faculty Senate are similar to mine. I do not have permission to speak on behalf of DSU.

As is pointed out in other written testimony, the North Dakota State Constitution states the authority over institutions in the university system belongs to the State Board of Higher Education. There is good reason for this, one of which is that the accreditation organization covering this part of the country, the Higher Learning Commission, looks for this hierarchy. In addition, the Higher Learning Commission looks for shared governance (see Criteria 5a in HLC's Criteria for Accreditation), which is something Representative Lefor has stated he is against, and this bill erodes, as it specifically stated that the decision of the university president is not reviewable by any faculty board. Thus, it appears that if this bill becomes law, it threatens our accreditation, which in turn makes it difficult for our students to get grants and loans.

At local town hall meetings in Dickinson, Representative LeFor really seemed to have a couple of particular faculty members in mind when he discussed the bill. Again, the reason the State Board of Higher Education was created was to protect faculty from being fired for political reasons, although it was the governor wanting to fire faculty at NDSU back then. I ask you not to make a law so that one legislator can see that a few people he doesn't like get fired.

Another concern I have with this bill is its effect on the recruitment and retention of well-qualified faculty. Many of our current faculty have told me that without the ability to gain tenure, they would not have applied to work at DSU. If this bill becomes law, with all of the ways a university president can use to not renew a faculty member's contract, it threatens what tenure means. I have already heard of one professor in the state, whose department is being cut due to that university budget issues, say that they would not apply at another university in the state that has an opening because of this bill.

To read this and listen to Representative Lefor, as well as read articles about this bill that DSU President Easton has written, it sounds like we have dozens of tenured faculty sitting around not doing their jobs. This is certainly not the case. The vast majority of the faculty are working hard to help their students learn, serving on committees, and meeting with potential students. Our faculty are already evaluated annually by students and our department chairs, and our deans review these. There are other procedures to remove a tenured faculty member from their position if their behavior warrants it.

Grade inflation could also go rampant as professors try to fill their courses by giving easy A's. But does that encourage good teaching and learning?

This bill has no provisions for high need areas, such as K-12 educators in mathematics, science and English. Some of the best qualified and experienced professors teach courses designed for majors in those areas. These classes tend to be small in size, which could result in that professor having difficulty reaching the institution's average. Thus, we would either lose those faculty

members and that major could be eliminated because that professor would be hard to replace, or the professor would ask their department chair to not assign them those classes, and again the major may be cut. Then, the local school districts will find it even harder to attract teachers in these areas.

One of the requirements listed in this bill is for a faculty member to maintain tenure is to have approximately the average number of advisees. I will point out this seems to indicate a serious misunderstanding of the word "average". Garrison Keillor used to joke that at Lake Wobegon, "all of the children are above average". It just is not going to happen. This indicates that Representative Lefor wants to get rid of approximately half the tenured faculty every year if this bill is enacted. Research has shown high turn-over rates of instructors is bad for the student and university. It is a "best practice" for students to be advised by a professor in their major area, but the number of students in different disciplines can vary a quite a bit. Thus, we cannot all advise the average amount. Furthermore, just a few years ago, our administration removed advising from the faculty in several departments to give it to professional advisors, and now they are going to judge faculty on advising!

I also wish to point out that the department/school chairs assign the advisees to the faculty members, and they also assign the courses to be taught to the faculty members. However, this bill states that the faculty member, not the chair, is held responsible by the president.

Even after revisions, there are many problems with this bill, so I urge a ""Do not pass"" recommendation.

Thank you for listening.

Paul