

HB 1446

Senate Education Committee
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Dr. Mark Hagerott, Chancellor, NDUS
701.328.2963 | mark.hagerott@ndus.edu

Chair Elkin and members of the Senate Education 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 the North Dakota State Board of Higher Education (SBHE) to testify in opposition to HB1446. At the February meeting of the SBHE, the Board discussed HB1446 at length and ultimately voted (8-0) to oppose HB1446 with a request to coordinate a joint study with the Legislative Interim Higher Education Committee to review and offer recommendations related to a post-tenure review process.

I want to recognize the importance of several issues Representative Lefor has identified and thank him for beginning this conversation in North Dakota in a thoughtful, open, and constructive manner. I appreciate 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 as a condition of tenure. 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.

The SBHE was constitutionally vested with authority to control and manage its institutions in N.D. art. VIII, § 6. The Board feels strongly that the award of academic tenure is one of many operational aspects of managing its institutions within the NDUS that should remain under the constitutional



authority of the SBHE. The Board, however, understands the concerns of the bill sponsor and that of the legislature and is willing to work with ND legislators to conduct a joint study to examine the post-tenure review process during the interim and to provide a report to the Interim Higher Education Committee.

Currently the SBHE has a six-year process, a probationary period if you will, prior to the award tenure that requires applicants to be reviewed annually for continuous improvement. Applicants for tenure are recommended for approval to the SBHE by the faculty member's department, a campus tenure review committee, the campus president, and the Chancellor of the University System. Campuses have established procedures for continuing evaluation of tenured faculty members. Criteria include scholarship in teaching, contribution to a discipline or profession through research, other scholarly or professional activities, and service to the institution and society. Institutions may adopt additional criteria relative to its unique mission.

You have received testimony from campus presidents, campus faculty and faculty organizations, the student body, and many others who wish to see the academic tenure review process remain under the purview of the SBHE.

Again, I reiterate both the SBHE and NDUS opposition to HB1446. In addition, the Board formally offered a joint study of the tenure policy and that the NDUS would routinely provide progress and results of that work to the legislative assembly.

This concludes my testimony related to HB1446.