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Letter to the Editor

Don't Fall for House Bill 1446



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Dear Editor,

Herein, I do not speak for Dickinson State University (DSU) or the North Dakota University System (NDUS). Tenure can be a delicate subject. It is a politically and financially charged topic. House Bill 1446 is not a legitimate way to begin a substantive conversation in North Dakota on tenure reform. Across the NDUS, tenured faculty assist with transparency and accountability toward the good governance of higher education.

For a pilot program, if this bill is the way to go forward for DSU, Bismarck State College (BSC), and eventually the entire NDUS, as Representative Lefor and President Easton have indicated, then why was there no announcement or discussion of the bill at DSU before its legislative submission? How did a number of people learn about HB 1446 not long after it was submitted? I can speak to one major element of these communicative circumstances.

I was “tipped off” about the submission of HB 1446 by a knowledgeable person, which of course led to my sharing information about the bill with various people. Regardless of your view of tenure, please keep in mind that if this bill passes, an accelerated revision of policies and procedures pertaining to tenured faculty will be necessary at DSU and BSC (and at the NDUS level for these two institutions). Along with the obvious controversy of HB 1446 on campus, would it not be helpful for employees to know that such substantial work would be a possibility during 2023?

There are times when only tenured faculty can speak out about problems of management in and for North Dakota's public universities and colleges. Overall, in terms of the expansive scope of HB 1446 (and it being rushed forward as it is for implementation), in my estimation, it won't be good for students or for student enrollment at DSU and BSC. And, considering past problems with enrollment practices at DSU, should there not be more caution when thinking about incentivizing enrollment to such an extent, especially if the incentivization is tied to the job security of tenured faculty?

We seem to get the idea from Representative Lefor and President Easton that apart from something like the initiation of a bar fight in town, it would be almost impossible to terminate someone who is tenured. For faculty at DSU (tenured or not), there is a chain of management that typically goes to a department chair, to a dean, to the provost, and to the president. As a tenured faculty member, I am annually reviewed by my department chair. Part of that process involves establishing a plan for the academic year to follow. That plan should inform the next annual review.

For significant reasons, with specific protections in the mix, it is more difficult to terminate a tenured faculty member. However, it is not as difficult as some people might think. Tenured faculty can be put on a performance improvement plan, which does open a door for potential termination. And, in financially problematic circumstances, with university system and campus policies and procedures, someone who is tenured can be terminated at a pace.

Representative Lefor has said that he will remove the disparagement aspect of the bill. However, for both administrators and tenured faculty, the bill contains the notion of alignment with the best interest(s) of the institution. Properly understood, such alignment is quite important for administrators and faculty, both proactively and reactively. For those situations in which tenured faculty are ringing the bell about faulty procurement, academic integrity, overall management, or retaliatory behavior, who will grapple with what is in the best interest(s) of the university? Whose approach to those best interest(s) in specific cases, objectively and subjectively, are best aligned with the necessities of transparency and accountability?

It is interesting that the bill would take off the table (for tenured faculty) the normative process of termination review for all faculty (tenured or not). Presently, that process involves a faculty committee. Generally speaking, faculty termination appeal decisions are currently made by the president. One could say that faculty terminations often don't directly get initiated by the university president, even if a president is somehow involved in such considerations. In my view, a reason for this exclusion

in HB 1446 is to avoid paper trails of concerns and claims, regardless of the outcomes of appeal committee recommendations and presidential appeal decisions. With no paper trails along these lines, there are fewer problems to talk about at the campus and system levels.

The narrative across North Dakota since about the later part of 2020 has been that President Easton and certain members of his leadership team are doing bold and transformative work at DSU, yet, there are troublemakers getting in their way. As I see the big picture, HB 1446 is Representative Lefor's rescue plan to accomplish what current policies and procedures won't allow President Easton to do, especially with the troublemakers. Again folks, don't fall for House Bill 1446.

To the general public (across the political spectrum): Please oppose HB 1446. Communicate your opposition to HB 1446 to our state government officials. Pass or fail (and it should fail), the atmospherics of this bill put DSU at risk in terms of the recruiting and retention of both students and faculty. Regardless of one's views on this or that campus controversy, without an adequate number of faculty to cover the courses as listed, student enrollment will unfortunately go down.

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