

**Thank you for this opportunity to make this submission in opposition to HB 1446. I write here as a citizen of the United States and as a resident of North Dakota. I do not speak for Dickinson State University (DSU) or the North Dakota University System (NDUS). HB 1446 should be rejected. Don't fall for HB 1446. This is your opportunity to make a strong statement regarding the protection of whistleblowers by giving a "do not pass" recommendation regarding HB 1446.**

Like with HB 1198 (to get rid of anonymous open records requests, which failed in the North Dakota House of Representatives), from my point of view, there is good reason to believe that HB 1446 reflects efforts to avoid facing trouble and accountability within the NDUS. This has been my own viewpoint from the start (when learning about HB 1198, and then learning about HB 1446). Dustin Gawrylow has provided some big picture connections to consider that pertain to HB 1198 and HB 1446. As part of my testimony submission, and referenced below, I include his article.

Referenced below, I also include three additional sources as part of my testimony submission, which contain my strong perspectives on HB 1446. I have communicated openly within these media outlets (and elsewhere) about problems with this bill. I will continue with this open communication against what is, in my judgment, a larger anti-whistleblowing endeavor with respect to DSU and the NDUS. The current version of HB 1446 retains aspects from its initial version that could potentially be utilized for retaliation against whistleblowers.

From my informed viewpoint, HB 1446 is the "enemies list bill" for its initial phases(s) of implementation at DSU. The bill is retaliatory on the front end, with measures then put on the table to try to keep people quiet about campus problems going forward (and hence, retaliatory ongoing). Over time, such a retaliatory framework could unfortunately become an operative model for other institutions of higher education in North Dakota.

As I see it, with the submission of *and* reaction to HB 1446, Representative Lefor and President Easton have opened some windows to potential levels of sunshine that are needed for both DSU and the NDUS. In certain ways, regarding HB 1446, my written testimony to the Education Communication is a continuation of my previous email communication with the members of the North Dakota Senate (email communication that will continue after this written testimony). In my estimation, DSU has been a compliance nightmare from the summer of 2020 onward. There were (and are still) a range of issues at DSU that prompted a number of heroic campus voices. Many (though not all) of those persons are or were tenured faculty at DSU. A range of "high impact" people (faculty and staff) have left DSU during the past few years.

As a whistleblower, much (though not all) of my focus has been on the Learning Corps situation. From August 2020 through December 2020, DSU contracted with Learning Corps, LLC (based in Wyoming) for instructional design services. For these services, CARES Act funding was used by DSU, which was available from the federal government because of COVID-19. President Easton was cleared of violating conflict of interest standards by the NDUS. However, the NDUS did allege that DSU violated at least seven policies or laws with respect to procurement. Unfortunately, in my view, during 2021, the Chancellor and the State Board of Higher Education did not adequately address the Learning Corps situation. The Learning Corps situation lingers as an inconvenient reality for those persons who continue with the narrative of bold and transformative leadership at DSU.

If you are interested in the good governance of the NDUS, then don't take off of the table the latitude that tenured faculty have for necessary discussions of faulty procurement, retaliatory behavior, academic integrity, and overall management. Please read closely the four sources that I have submitted as part of this written testimony. Thank you for your work for the people of North Dakota.

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“House Majority Leader’s new bill aims to overhaul university tenure process”  
James B. Miller, Jr., January 20, 2023, The Dickinson Press

<https://www.thedickinsonpress.com/news/north-dakota/house-majority-leaders-new-bill-aims-to-overhaul-university-tenure-process>

“Is there a legislative agenda to silence whistleblowers at Dickinson State University?”  
Dustin Gawrylow, January 21, 2023  
North Dakota’s Watchdog Update (North Dakota Watchdog Network)

<https://watchingnd.substack.com/p/is-there-a-legislative-agenda-to>

“Letter to the Editor: Don’t Fall for House Bill 1446”  
Dr. Eric Grabowsky, February 1, 2023, The Dickinson Press

<https://www.thedickinsonpress.com/opinion/letters/letter-to-the-editor-1>

“Letters: Proposed Bill in N.D. to Reshape Tenure Would Discourage Whistleblowing”  
Dr. Eric Grabowsky, March 9, 2023, The Chronicle of Higher Education

<https://www.chronicle.com/blogs/letters/proposed-bill-in-n-d-to-reshape-tenure-would-discourage-whistleblowing>