

HB 1179
House Education Committee
January 15th, 2025

Dear Chair Heinert and members of the House Education Committee,

We, the Council of College Faculties (CCF), representing faculty across all 11 North Dakota University System (NDUS) campuses, wish to express our serious concerns regarding House Bill 1179. We strongly urge the House Education Committee to vote in opposition to this bill.

First and foremost, this legislation is unnecessary. The North Dakota Constitution provides the SBHE with broad powers and specifies that the SBHE retains any powers it does not explicitly delegate to the institutions. Specifically, the SBHE was established by an initiated measure approved by the voters in 1938 (now Art. VIII, § 6 of the North Dakota Constitution). Art. VIII, §6 states the SBHE “shall have the control and administration of” all the state institutions established in the state constitution at that time and “such other state institutions of higher education as may hereafter be established.” Further, the SBHE “shall have full authority over the institutions under its control” and “full authority to organize or reorganize within constitutional and statutory limitations, the work of each institution under its control, and do each and everything necessary and proper for the efficient and economic administration of said state educational institutions.” Later, the state legislature enacted North Dakota Century Code § 15-10-01.2, which states: “The institutions of higher education under the control of the state board of higher education are a unified system of higher education, as established by the board, and are designated as the North Dakota University System” (NDUS).

At present, there is no existing policy from the NDUS or the State Board of Higher Education (SBHE) concerning 12-month faculty contracts. According to the legal counsel of the NDUS, individual campuses retain discretion and latitude to contractual terms for all faculty, including those on 12-month contracts. The CCF fully supports this current practice, as it allows for the necessary flexibility to address the unique needs and circumstances of each institution.

Members of the CCF encourage a review of unintended consequences of HB 1179:

1. **Financial Strain on Institutions:** Public institutions of higher education in North Dakota operate within tight budget constraints. Mandating a substantial increase in paid time off without corresponding funding allocations will strain financial resources. The financial impact could lead to cuts in crucial areas diminishing the overall quality of education we provide.
2. **Negative Impact on Student Access to Faculty:** Mandating a substantial increase in paid time off without replacement faculty or adding student support staff will negatively impact student experience, as well as potentially affect student retention and success.

3. **Administrative Burden:** Implementing a new system to record and track paid time off accrual and usage for faculty members will require substantial administrative effort and resources. This additional burden may divert focus from our primary mission of education and research, causing inefficiencies and potential disruptions in daily operations such as reducing availability for students.
4. **Inequitable Treatment between state employees:** Faculty members face different expectations and workloads compared to administration and staff. Faculty engage in research, teaching, and service activities that do not align with the typical staff work schedule (e.g., a Monday through Friday, 40-hour work week). The proposed bill does not consider these distinctions, leading to potential inequities and misunderstandings regarding paid time off and adversely affecting the educational experience of our students. NDUS Human Resources Policy Manual: Section 6: [Annual Leave](#) identifies the rate of annual leave accrual in full-time benefitted employees. HB1179 starts with 24 days per year. For any other full-time benefitted employee, it would take 18 years of service to earn that number of days. This creates a significant inequity among benefitted employees.
5. **Issues Related to Concurrent Funding and Grant-Funded Positions:** Many faculty members are involved in grant-funded research projects that have specific time and effort reporting requirements. The proposed bill could create complications related to grant compliance, where faculty members might be perceived as receiving compensation from grant funds for work being completed and institutional funds for mandated paid time off during the same period. This could jeopardize compliance, future funding opportunities, and create financial and administrative challenges for institutions.

HB 1179 is a bill that would have long-term negative impacts on our university system. We urge your committee not to pass HB 1179.

Respectfully submitted,
The Council of College Faculties

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