

Birgit Pruess, Ph.D.  
3696 Harrison St. S  
Fargo, ND

January 31, 2025

RE: HB1437

Dear members of the 69<sup>th</sup> Legislative Assembly of North Dakota,

I am a resident of Fargo, ND. Please, accept the below as my testimony IN OPPOSITION of HB1437 to prohibit tenure at our two year colleges. I like to point out that I have been the faculty advisory member on the State Board of Higher Education between 2017 and 2019. I am not testifying on their behalf or in representation of anybody else. I am testifying as a private person, albeit with a good amount of knowledge about Higher Education in North Dakota.

The North Dakota constitution very clearly states in Article VIII Education, Section 6, that “A board of higher education, to be officially known as the state board of higher education, is hereby created for the control and administration of the following state educational institutions, to wit:.....”

(<https://ndlegis.gov/constit/a08.pdf>). This means that the SBHE is the legislative body responsible for policies regarding North Dakota State Colleges and Universities. HB1437 is legislative overreach and in contradiction to our State Constitution.

Other arguments against prohibiting tenure at two year colleges:

- 1) There appears to be a misconception as to what constitutes ‘tenure’. It does not mean a faculty can’t get fired anymore. They can get fired, for cause and for financial reasons. Meaning, the faculty has to be told why they got fired. In theory, people should not get fired unless they did something wrong or there is a financial reason anyways. And one should tell them what they did wrong.
- 2) More importantly, tenure is about academic freedom and that is free speech, as in the 1<sup>st</sup> amendment to our US Constitution. HB1437 is in contradiction to our US Constitution.
- 3) It is not easy to make people move to and stay in our State. Salary is also the greatest and dependent on the respective field of a faculty, they could get a much better paying job in industry. Right now, benefits and academic freedom are still what draws people to academia. Do we really want to lose people? If we want top people to join our institutions, we need to treat them accordingly.

Altogether, I oppose HB1437 and recommend a DO NOT PASS vote.

As in all my testimonies, I much appreciate the hard work and dedication that each member of my state legislative assembly puts into our state. Thank you.

Sincerely and respectfully Birgit  
Pruess, Ph.D.