

To: Chair Schauer and the Government and Veteran Affairs Committee
From: The University Senate of the University of North Dakota
Subject: Opposition to House Bill 1437
Date: February 6, 2025

Dear Chair Schauer and members of the Government and Veteran Affairs Committee,

I am Zarrina Azizova, an Associate Professor of higher education, and I currently serve as the Chair of the University Senate at the University of North Dakota. On behalf of the University Senate, I submit this testimony to oppose HB 1437. This bill, which seeks to prohibit tenure at North Dakota's two-year colleges for all new hires, would undermine the governing expertise and authority of the SBHE, weaken the academic and administrative expertise of the North Dakota University System and its institutions, and make North Dakota less competitive in recruiting top-tier faculty.

The ability to establish and revise tenure policies should remain with the State Board of Higher Education (SBHE) as currently authorized by the Art. VIII, § 6 of the North Dakota Constitution and North Dakota Century Code § 15-10-01.2. The SBHE is best positioned to make policy decisions that reflect the needs of each higher education institution in the NDUS, while ensuring accountability through the ongoing post-tenure review practices and improvements that are already in place or will be adopted by March 15, 2025.

In addition to encroachment on SBHE authority, our key concerns, that inform this opposition, stem from the several foundational principles and values that have historically governed the U.S. higher education to position it to be one of the most distinguished models in the world. These concerns are as follows:

1. **Erosion of academic freedom and high-quality student educational experience:** The curriculum that faculty develop is contingent on the faculty's expertise and their ability to teach without political or ideological pressure. Academic freedom is a bedrock of high-quality teaching and student learning and is strongly connected to tenure. Weakening or eliminating tenure threatens academic freedom and the integrity of course content, which in turn undermines the quality of education at two-year colleges, and across all NDUS institutions, as students may continue to a 4-year institution upon completion of their Associates.
2. **False assumptions that tenure is given not earned:** Earning tenure is a rigorous and competitive process that has nested levels of reviews to include academic peers, faculty, and administrators. Academic and professional standards inform each level of review processes. Through this tenure review process, that takes several years, a faculty member earns a long-term or permanent appointment. This multi-level and multi-year process is designed to ensure fairness and uphold academic standards. New policies for each institution—pre- and post-tenure—are outlined in the documents that are or will be submitted to the NDUS by March 15, 2025, as required by the SBHE.

3. **Negative impact on faculty recruitment and retention:** Tenure is a critical factor in attracting and retaining talented faculty in a highly competitive national job market. Removing tenure protections will make North Dakota a less desirable place to work, leading to faculty shortages and reducing educational opportunities for students. Even if the current proposal only applies to two-year colleges, the national perception will be that North Dakota is moving toward eliminating tenure altogether, discouraging potential faculty from considering employment in the state. Current news headlines trigger such perceptions. For example, the January 27th (2025) *Forbes* article, “*States Once Again Considering Bills to Ban or Limit Faculty Tenure*,” highlights a growing national concern over legislative attacks on tenure. North Dakota should avoid becoming part of this trend, which risks damaging its higher education system’s reputation and effectiveness.

Consequently, unless there are amendments that recognize the governing expertise and authority of the SBHE and the academic (with significant input of faculty with subject area expertise) and administrative expertise in TRP process of the North Dakota University System and its institutions, we urge a **DO NOT PASS** recommendation on HB 1437 to protect the quality, credibility, autonomy, and reputation of higher education in North Dakota.

Respectfully Submitted,

Zarrina Azizova, Ph.D.

2024-2025 Chair, University Senate of the University of North Dakota