

69th Legislative Assembly
House Government and Veterans Affairs Committee
February 7th, 2025

Mr. Chairman and Members of the Committee,

My name is Kevin Black, a business owner from Minot, ND, and member of the State Board of Higher Education, where I chair our Budget and Finance Committee. Recently, Representative Motschenbacher submitted an amended version of HB 1437. Assuming those edits are adopted, I rise in support of HB 1437, a bill that advances reform of higher education employment practices in the North Dakota University System.

Technology and industry revolutions in ND have generated unprecedented demands on our state's workforce, and higher education is the single most powerful tool to solve these challenges. To do so, higher education must strategically adapt its business models to keep pace with industry, demonstrate greater responsiveness, and enable an entrepreneurial spirit. A key objective in achieving this strategic initiative is reforming tenure, or as I like to refer to it as – “modernizing our employment practices.”

HB 1437 sends a decisive message, encouraging clear approaches to establishing tenure criteria and demanding accountability through rigorous and consistent reviews of faculty performance. In that vein, I recently submitted approximately one dozen serious and meaningful SBHE policy edits aimed at reforming tenure and non-tenure employment practices. I am pleased to announce that as of last week, the SBHE has adopted most of those edits including the following:

1. Eliminated tenure as “right” to continuous employment.
2. Established clear timelines and expectations for post-tenure review.
3. Allowed for greater transparency to the public on faculty hearings and appeals.
4. Significantly reduced the notification period for termination for non-tenured faculty and tenured faculty whose programs face low enrollment, elimination, or consolidation. Thus, empowering presidents to move much more quickly to reimagine, reshape, and retool their institutions to meet industry and societal needs.
5. Removed the requirement that an institution, aka taxpayers and students, must pay 100% of mediation costs in termination disputes.
6. Eliminated the ability for faculty to file grievances against administrators' discretionary actions.

In summary, along with several other policy reforms, the SBHE has taken pivotal steps toward restoring a more fair and commercial balance to the employee/employer relationship.

However, we recognize more work is required of the SBHE, and we are committed to rigorously reviewing our policies to ensure we are driving the type of outcomes our students, families, businesses, and taxpayers expect. Specifically, our next step is to evaluate the type of employment practices that truly make sense for our two-year institutions.

Finally, I want to recognize and share my thanks for the amazing faculty who work tirelessly to teach the next generation of North Dakotans and conduct life-changing research. To be clear, we have dedicated, smart, and caring faculty throughout our system. Frankly, we need more of them, and, without a doubt, tenure is a market-driven component to attracting talented individuals to ND.

We should not eliminate tenure, and I'm grateful for this bill's amended approach. Working together, we can put the necessary guardrails around tenure policies that both drive accountability and reward our highest achieving faculty members.

Thank you for your time and support of the North Dakota University System

Kevin Black

Minot, ND