

Dear Chairman Schauer and members of the Government and Veterans Affairs Committee,

I write to you on behalf of the NDSU Faculty Senate of which I serve as the President.

Faculty have raised serious concerns about HB1437 and we encourage a **do not pass** recommendation.

First and foremost, prohibition of tenure at any institution will have an impact on all institutions in North Dakota. The first evidence of that was published Forbes on Jan 27, "[*States Once Again Considering Bills to Ban or Limit Faculty Tenure*](#)". The headline is what prospective faculty, and administrators will see. We should be focused on vetting the best candidates for these positions, recognizing that it is challenging to recruit highly qualified educators into academia over the more lucrative private sector, rather than merely reassuring them that tenure is not currently in jeopardy for NDSU or NDUS.

Second, NDSU has articulation agreements with the two-year schools in ND. These agreements support the transfer of students to complete their four-year degrees at NDSU. We expect our colleagues to be the best possible faculty teaching those students as they begin their post-secondary education. These are also the faculty who mentor HS teachers for most of the states' dual-credit opportunities. Loss of tenure opportunities will inevitably lead to a decrease in quality faculty which will directly impact the opportunities of our secondary students looking to continue their post-secondary education through ND schools. This will have a devastating impact on all NDUS schools.

Finally, we have worked with the State Board of Higher Education on revisions, and compromises, for the 600 series of tenure policies. Those revisions, along with the updated tenure and post-tenure review policies ensure the faculty and administration at all NDUS institutions are upholding the highest level of quality standards in their tenured faculty and tenure candidates. These revisions are the result of cooperation between the SBHE and Legislature in the previous session and seek that tenure be protected at all institutions while these processes are implements.

However, we do see a path forward in conjunction with the CCF, SBHE, and Legislature. There is an amendment provided in testimony by Representative Motschenbacher that seems to incorporate several of the SBHE Ad Hoc Post Tenure review committee recommendations. We ask that the following edits be adopted for that amendment:

- On 1b, strike "by the president of the institution or the designee of the president". This is not a solution that will fit the administrative structure in all 11 of the universities. As stated above, there is already a nested series of reviews that will be implemented under the new SBHE policies.
- On 1c, replace "three" with "five". Again, with the new SBHE policies, institutions may review every three years, but when reviews raise no concerns by any level of review a comprehensive review would occur every five years. At NDSU the Faculty Senate, Staff Senate, Student Senate, Provost, and President all approved NDSU policy update to include PTR every five years unless warranted earlier by unsatisfactory performance.
- Also on 1c, strike everything after "subdivision b". There is not a single committee that reviews every faculty member. As stated above, there are multiple layers of review. At NDSU that includes content level experts, near peers in content areas, supervisors, college peers, and Dean review before it gets to the Provost and ultimately the President.

- On 1d, strike “revocation of tenure or”. There are already mechanisms for removal from position with or without cause that were recently updated through SBHE activity. Revocation of tenure is career damaging for that faculty member to find success outside of a NDUS institution.
- Also on 1d, we support the second sentence to read “The decision to remove faculty from a position must be made by the employing institution.” The NDUS system and SBHE are far removed for the operations of the institution and as written, could overrule the decision of a President who is charged with the staffing and operations of the institution.

In conclusion, tenure is not merely a job perk; it is a cornerstone of a robust and dynamic educational system. Tenure encourages faculty to make long-term commitments to their institutions and the students.

Again, we recommend a **do not pass** on HB 1437 as it is currently written. However, inclusion of the edits above would change our position.

Lisa Montplaisir, PhD

Faculty Senate President, 2024-2025