



**HB 1181**

January 21<sup>st</sup>, 2025

Grace Reep, North Dakota Student Association

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Chair Ruby and Members of the Committee: My name is Grace Reep and I am a North Dakota Student Association Delegate. I am here today in opposition to HB 1181.

The North Dakota Student Association is dedicated to ensuring that students have a voice at the table in policy that affects higher education. We consist of delegates from each of the 11 public North Dakota University System (NDUS) institutions, meeting monthly to engage students in discussions about North Dakota higher education policy. Since 1969, our mission has been to empower students, create collaboration between the student bodies of the North Dakota public universities, and to provide a student perspective on higher education policy.

The North Dakota Student Association has historically worked to represent all students within the NDUS. On October 26<sup>th</sup>, 2024, the NDSA General Assembly passed [NDSA-01-2425: A Resolution in Support of the NDSA’s Legislative Priorities for the 25-27 Biennium](#). This resolution establishes support for the NDSA’s legislative priorities, including – but not limited to – “Protecting the rights and safety of all NDUS students”. According to a report by the UCLA Williams Institute, 0.43% of the North Dakota adult population are Transgender individuals<sup>1</sup>, that means approximately 2,500 adults living in the state of North Dakota are directly impacted by this bill. HB 1181 fails to recognize the almost 2% of the world’s population that is biologically intersex<sup>2</sup>, a term used to describe individuals who are born with genetic markers which do not fit into a male/female sex binary, providing no clear identification clarification or

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<sup>1</sup> <https://williamsinstitute.law.ucla.edu/subpopulations/transgender-people/>

<sup>2</sup> <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people#:~:text=Intersex%20people%20are%20born%20with,are%20born%20with%20intersex%20traits.>

protections for those individuals. The NDSA recognizes the rights of all individuals to be addressed in a manner consistent with their gender identity and expression.

The NDSA has also historically passed resolutions specifically regarding the protection of Transgender students' rights. On January 21<sup>st</sup>, 2023, the NDSA General Assembly passed [NDSA-14-2223](#): A Resolution in Support of Transgender Students' Rights. This resolution stated that "the NDSA opposes any legislation that suggests, asserts, or assumes the invalidity of a transgender student's sexual identity," also discussing the opposition to the creation of unsafe learning environments. By fostering a non-inclusive environment for NDUS students, HB 1181 not only will have severe detrimental mental health effects on individuals referred to with improper pronouns, but it will also create the fear of an intolerant environment, discouraging in and out-of-state students from attending NDUS institutions. Neighboring a legally protected Transgender refuge state means that North Dakota must work to ensure that all NDUS students feel welcome in order to secure a strong educational and workforce development system within the state.

Along with students' need to learn in an inclusive and welcoming environment, the NDSA has also focused on ensuring free speech and academic freedoms are not infringed upon, as shown by another legislative priority chosen for the 25-27 biennium: "Preserving academic freedom at NDUS institutions." By restricting terminology usage at the higher education level, HB 1181 is in direct conflict with the NDSA's goal of supporting free speech and academic freedoms on NDUS campuses.

Beyond supporting free speech, gender inclusive policies, and students' rights, the NDSA has also historically advocated for affordability when attending NDUS institutions. HB 1181 raises fiscal concerns due to its incredibly vague and unclear language regarding DNA testing. By not specifying how students would provide DNA testing results or who would levy the cost, NDUS students and institutions will be faced with covering testing costs when a student's biological sex is, as HB 1181 states, contested.

On behalf of the NDSA, I urge the committee to give a DO NOT PASS recommendation to HB 1181.