

To: Chair Porter and the Energy and Natural Resources Committee
From: The Senate Executive Committee of the University of North Dakota
Subject: Opposition to House Bill 1365
Date: February 6, 2025

Dear Chairman Porter and members of the Energy and Natural Resources Committee,

I am Zarrina Azizova, an Associate Professor of higher education, and I currently serve as the Chairs of the University Senate at the University of North Dakota (UND). On behalf of the University Senate, I submit this testimony in opposition to HB 1365. The bill exempts from liability public and private entities for injuries caused by and individual in lawful possession of a firearm or dangerous weapon at a publicly owned or operated building, and at a school or school-sponsored event on school property.

As educators, staff, and students, we assume that our public institution of higher education is a safe place and see our campus as a “sensitive place” (by the definition of the Supreme Court’s “sensitive places” doctrine) to teach, work, live, and learn. This includes all of our campus, from our classrooms and offices to our dining facilities, residential halls, sports arenas, and beyond. The assumption of safety is essential for the faculty, staff, and students here at UND to thoughtfully engage with the subject matter at hand, support the success and retention of our students and employees, allow for a sense of communal security in dorms, offices and classrooms, as well as to create the freedom to enjoy UND-sponsored events (from hockey games to art exhibits to commencement).

The current bill includes wording which may be intended to increase a sense of safety, but when implemented may cause several adverse consequences for students, staff, and faculty:

- **Negatively impacts student educational/learning/living environments:** Nearly all faculty and staff meet the requirements of Constitutional Concealed Carry as outlined by NDCC 62.1-04. Open carry of a firearm or dangerous weapon by an educator or staff member is a shift from a duty of education and support to a presumable duty of defense. University faculty and staff work hard to create a welcoming educational environment to promote learning. However, with the exception of the University Police Department, a university employee with a weapon greatly effects the power dynamic between educators/staff and students. An armed educator or staff member may make students uncomfortable with approaching the educator/staff member for assistance, questioning their instructions, and/or just generally cause them to feel unsafe depending on their personal backgrounds.

Likewise, nearly all college/university students also meet the requirements of Constitutional Concealed Carry, which means nearly everywhere a student goes, they may encounter someone carrying a weapon, which may have a chilling effect on discussions inside and outside the classroom, may increase the risk of self-harm, and may increase the risk of on campus violence as otherwise minor altercations that happen in

close environments can escalate very quickly.

- **Inability of institutions of higher education to comply with the mandates of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101), its subsequent amendments, and implementing regulations (29 CFR Part 1630).** Like all employers, institutions of higher education must make reasonable accommodations for employees who are documented as having “a physical or mental impairment that substantially limits one or more of the major life activities of such individual” (29 CFR 1630.2(g)(1)(i)) “Major life activities” include, but are not limited, to “learning, reading, concentrating, thinking, communicating, interacting with others, and working” (29 CFR 1630.2(i)(1)(i)). ADA accommodations also extend to our student body.

Post-traumatic stress disorder (PTSD; ICD-10 code F43.1) is diagnosis that is recognized by most major medical associations; UND and other entities, such as the Veterans Affairs Administration, recognize PTSD as a “mental impairment” that impacts “major life activities” and make accommodations (or, in the case of the VA, disability payments) accordingly. Due to the significant number of veterans and active-duty service members on UND’s campus (faculty, staff, and students), UND already sends out notifications of the monthly emergency siren warning to accommodate those who may live with PTSD.

That said, if dangerous weapons/firearms are permitted to be carried on campus, those who live with PTSD or other qualifying diagnoses under ADA may request accommodations for a weapon-free work, learning, and living environment so that they are not “substantially limited” in their “major life activities.” If UND or other NDUS institutions are prevented from granting accommodations as a result of this proposed bill, there is the risk that lawsuits will be filed.

- **Prohibitive expense of passing a more restrictive city ordinance:** While the proposed bill does state that a city, county, or township “*may enact*” an ordinance prohibiting weapons locally, such an ordinance would only be allowable if two conditions are met. The second condition is not feasible for a campus as large as UND. It is cost prohibitive to install “equipment that detects weapons” or “armed security personnel” at every access point on campus. Consequently, as written, it is not a viable option.

Consequently, unless there is an amendment that also exempts institutions of higher education under the control of the NDUS from this bill, UND’s University Senate urges a **DO NOT PASS** recommendation on HB 1365.

Respectfully Submitted,

Zarrina Azizova, Ph.D.
2024-2025 Chair, University Senate of the University of North Dakota