

To: Chair Beard and the Education Committee
From: The University Senate of the University of North Dakota
Subject: Opposition to House Bill 1181
Date: March 24, 2025

Dear Chair Beard and members of the Education Committee,

I am Zarrina Azizova, an Associate Professor of Higher Education and Chair of the University Senate at the University of North Dakota. On behalf of the University Senate, I submit this testimony to express our **strong opposition to the House Bill 1181** that mandates the rigid application of sex-based definitions in all policies, records, instructional materials, and training within public schools and institutions under the control of the State Board of Higher Education. Please allow me to provide our concerns that inform our opposition:

- 1) **Humanity and Welcoming Learning Environment.** The most troubling consequence of this bill is its potentially cruel impact on human life. By enforcing restrictive definitions of gender, HB 1181 would explicitly delegitimize and marginalize individuals whose identities do not fit within its prescribed framework. This practice could lead to institutionalized discrimination and a hostile environment for transgender and nonbinary individuals, potentially violating their First Amendment constitutional rights and the Title IX protections against discrimination in education. Such an environment would stifle intellectual growth and wellbeing of our community. But simply citing current legal protections and rights to show potential legal risks that the bill, if passed into a law, would bring to university campuses is not what we want to do in our testimony. I am reading through parents' testimonies and individuals who have direct experience with transgender and non-binary people, and I encourage others to do the same because they provide a lot more insights into a human life and experience. Thinking about HB 1181 as a human being is already significant enough to realize that the bill has no place in our community that aspires for a greater good and wants the best of life and educational opportunities for all. We want to build a welcoming learning environment where every individual can pursue higher education, chase their career dreams, reach their fullest intellectual potential, and contribute to the growth of their community without any fear of being unwelcomed and censored.
- 2) **Academic Freedom/Free Speech in Teaching and Learning.** We must share another concern as we ask ourselves: What does this bill mean on the level of instruction/training or broadly defined learning? The restrictions imposed by HB 1181 would directly undermine the core principles of academic freedom by mandating language and definitions on faculty and students. Institutions of higher learning thrive on the free exchange of ideas, particularly in disciplines such as medicine, psychology, law, sociology, the humanities, and education, where gender identity is a critical area of study and professional practice. Beyond restricting language, HB 1181 would actively erase scholars and scholarship that explore gender identity, thereby limiting society's ability to understand and address complex questions about human development, identity, and rights. The fundamental purpose of education is to explore the "why" behind human experiences—to ask questions, challenge assumptions, and engage in rigorous intellectual inquiry. History has repeatedly shown that censorship and government suppression of knowledge do more harm than any good, hindering progress in science, culture, medicine, education.

Unfortunately, this bill outrightly aims to censor as it introduces unnecessary state control over terminology and instructional content, undermining the ability of faculty to teach and train students in a manner consistent with freedom of learning and best educational practices in their fields.

3) Compliance with Accreditation and Scientific Standards. There is more, concerning academic programs and curricular. Sections 2 and 3 of HB 1181 contradict the professional and scientific standards of leading academic and medical organizations, including the American Psychological Association, the American Medical Association, and the National Academy of Sciences. These organizations recognize, based on scientific evidence, that gender identity is complex and not strictly tied to biological sex. By forcing a narrow, government-imposed definition of gender, HB 1181 conflicts with established research and best practices in education and professional training. This bill would negatively affect accreditation status of many professional programs. For example, to maintain their accreditation status (CAA-ASHA), an effective Speech-Language Pathology program must provide evidence that students are given opportunities to identify and acknowledge:

- i. the impact of how their own set of cultural and linguistic variables affects clients/patients/students' care (these variables include, but are not limited to, age, disability, ethnicity, **gender expression, gender identity**, national origin, race, religion, sex, sexual orientation, or veteran status).
- ii. the impact cultural and linguistic variables of the individual served may have on delivery of effective care. These variables include, but are not limited to, age, disability, ethnicity, **gender expression, gender identity**, national origin, race, religion, sex, sexual orientation, or veteran status.
- iii. the interaction of cultural and linguistic variables between the caregivers and the individual served. These variables include, but are not limited to, age, disability, ethnicity, **gender expression, gender identity**, national origin, race, religion, sex, sexual orientation, or veteran status.

We assert that universities must be a place of inclusive learning where diverse identity expressions are welcome. Preserving the principles of welcoming community of learners, free speech, academic freedom, and academic standards and values of pursuits of knowledge is fundamental to the mission of higher education. **The University Senate urges the lawmakers to reject HB 1181.**

Respectfully submitted,

Zarrina Azizova, Ph.D.

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