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House Bill 1181
Human Services Committee
Month Day, 2025

Chairman Beard and Members of the Senate Education Committee,

My name is Adelyn Emter, and I serve as School of Graduate Studies Senator at the University of North Dakota (UND). I am submitting testimony in opposition of HB 1181, relating to gender usage in the North Dakota Century Code.

HB 1181 indicates that words used to reference an individual's gender mean the individual's sex in all policies, records, forms, rules, standards, procedures, guides, materials, instruction, training, correspondence, advertising, or marketing used by any entity receiving state funding, including UND. Our Student Government advocates for the right of students and faculty to practice free speech, where HB 1181 infringes on student free speech and academic freedoms by restricting terminology used in correspondence, training, and instruction. It is not only unrealistic and impractical to monitor and restrict the use of gendered language in these instances, but, if enforced, this is a direct attack on our rights and freedoms of speech and expression within our university.

HB 1181 conflates sex and gender, assuming someone's gender is automatically determined by their sex assigned at birth. Sex refers to biological characteristics like chromosomes and anatomy, while gender refers to socially constructed roles, expectations, and identities. HB 1181 fails to acknowledge the existence of intersex individuals, who make up 1.7% of the population, whose biological markers are not consistent with the assumed markers of male and female. Further, native people represent 6.4% of the North Dakota population, and this bill blatantly ignores and disrespects the cultural existence of certain native individuals who identify as two-spirit. While North Dakota has the lowest percentage of transgender citizens in the nation at less than 0.5% of our citizens, it is unreasonable to legislate against such a small

subset of the state's population, especially when the impacts of HB 1181 will impact every individual involved in any entity receiving state funding.

All 11 public institutions of higher education in North Dakota, including UND, prohibit discrimination based on sexual orientation and gender identity. We believe that the state should be encouraging all types of people, no matter their gender or sex, to live, work, and receive education in the state, a value threatened by HB 1181. UND Student Government has a long history of advocating for the protection, right to equal access, and equal treatment of students. Every member of our campus community should be free from discrimination and harassment. Further, we recognize the right of all individuals to be addressed in a manner consistent with their gender, as requested or indicated by the individual, including, but not limited to, the ensured use of preferred names and pronouns, access to gender appropriate housing, and protection of educational and extracurricular opportunities. It is our responsibility and obligation to take any reasonable action that will ensure the health and safety of our students. We will continue to advocate for all our students, regardless of gender, to ensure our rights and freedom of speech and expression.

Chairman Beard and Members of the Senate Education Committee, I respectfully request a Do Not Pass recommendation on HB 1181. Thank you for your time, and I am available to answer any questions through email.

Respectfully submitted,

Adelyn Emter