

Dear Members of the Senate Education Committee,

I write to you today regarding HB 1181, asking you to vote NO on this bill and give it a DO NOT PASS recommendation.

I have a PhD in Sociology and my training and research has focused on gender. There are many things that make this bill problematic. First, the definition of gender provided in section 1 does not make sense on face value. If the definition is not clear and interpretable, it will not be enforceable. What is meant by the statement that “words of one gender include the other genders”? Does this suggest there is only one, universal gender? The meaning and intent of this statement is unclear.

Second, the bill defines “sex” and “gender” as the same thing. This is not consistent with standard practice in academic, scientific, and professional communities. In general, “sex” describes the biological characteristics of males, females, and intersex persons (i.e., a person’s chromosomes, sex organs, and genitalia) whereas “gender” refers to the social dimensions of masculinity and femininity, including how a person presents themselves. The social dimensions of gender vary considerably over time and by culture. Sex and gender are not the same thing; each is important in understanding individual lives and society at-large.

Third, this bill would violate academic freedom by imposing these definitions on materials and instruction in higher education, as stipulated in section 3. Matters related to higher education activities and programming are under the purview of the State Board of Higher Education and should not be determined by the ND state legislature. Furthermore, the standards for instructional materials and content are determined by experts within each discipline and the professional organizations that accredit higher education programs. Attempts to enforce this legislation would almost certainly result in legal challenges, unnecessarily costing the taxpayers of North Dakota.

Regardless of your own personal feelings about gender identity, this legislation is poorly written, unnecessary, and will undoubtedly result in costly litigation. Please do not take the bait and fall prey to the culture wars by supporting this legislation. There are many things the state legislature could do to improve the lives of North Dakotans - this bill is not one of them. Please support a Do Not Pass recommendation and vote NO on HB 1181.

Sincerely,

Liz Legerski, PhD
Grand Forks, ND