

North Dakota Senate Education Committee
North Dakota Legislative Assembly
600 E Boulevard
Bismarck, ND 58505

March 7, 2025

Re: VOTE NO on HB 1437

Dear Chair Beard and Senators Lemm, Axtman, Boschee, Gerhardt, and Wobbema:

First of all, thank you for your service on the Senate Education Committee. As a tenured full professor at North Dakota State University, I value your support of higher education in our state.

I write to you today **in opposition to HB 1437**, “Relating to academic tenure policy at institutions of higher education.” This testimony is based on my knowledge and more than twenty years of research and teaching experience at the college/university level. It reflects my own opinions and in no way represents those of my employer, NDSU.

I sent the following response to the sponsor of House Bill No. 1437 when he emailed me the proposed amendments to this bill ahead of the House vote. I am sharing it with you because I believe that **this bill is unnecessary** given that **post-tenure review has already been mandated by the SBHE**, which has subsidiary power over all institutions of higher education in our state.

Dear Representative Motschenbacher,

Thank you for reaching out and sharing the proposed amendments to House Bill No. 1437 ahead of tomorrow’s hearing. As a tenured full professor, I am highly invested in and informed about this subject, and I am grateful for your willingness to have a conversation: both my professional career and my very livelihood depend on this.

I appreciate the spirit of these amendments in that they ask for more oversight and accountability for faculty in the NDUS system, but do not, as in the bill’s original version, put an end to tenure at two-year public institutions in our state.

However, I do not support these amendments for three reasons:

- 1) Policies for tenure- and post-tenure review are already required by the SBHE, making the amendments in this bill unnecessary and redundant.
- 2) The composition of the post-tenure review committee specified in Section 1.c does not provide adequate faculty representation, nor a system of checks and balances, and can therefore result in an unfair review.
- 3) There is no mention in Section 1.d of an appeals process in the case of an unsatisfactory result, which gives faculty no recourse in the case of an unfair or biased review.

First, public institutions under the purview of the SBHE already have policies on tenure and post-tenure review.

Following the failure of HB 1446 (the tenure bill sponsored by Rep. Lefor) during the Senate revote in the last legislative session, the SBHE was tasked with conducting a study of post-tenure review, and in turn, all institutions of higher learning under its purview were required to develop and adopt specific policy on post-tenure review (PTR).

In the case of NDSU, where I am employed, individual units already had similar policies in place, but following the mandate, the university developed and approved a new section of NDSU Policy 352 Promotion, Tenure and Evaluation, namely, Section 4.8: Post-Tenure Review (<https://www.ndsu.edu/fileadmin/policy/352.pdf>), amended 23 October 2024, pp. 10-14.

This new section 4.8 of NDSU Policy 352 spells out the policy and procedure, including:

- the time frame and any extensions and exceptions (4.8.1-4.8.3);
- the necessary documentation (4.8.2);
- department-level review: conducted independently by the department/unit PTE (Promotion, Tenure and Evaluation) committee and by the Chair/Head; and the procedure in the case of un/satisfactory result (4.8.3);
- college-level review: conducted independently by the college PTE committee and the college Dean (4.8.4);
- procedure for an additional review in the case of an unsatisfactory result confirmed by the Provost, by a Post-Tenure Review performance committee (4.8.5), which will develop, in consultation with the faculty member, a performance improvement plan (4.8.5.2-4.8.5.6);
- any compromising circumstances, such as conflicts of interest defined (4.8.6);
- procedure for appealing an unsatisfactory result of a post-tenure review (4.8.7).

As evidenced by my summary, NDSU Policy 352 on Promotion, Tenure and Evaluation provides a very thorough procedure with checks and balances, which involves multiple levels: department/unit, college, and university. The department- and college-level reviews are independently conducted by a committee consisting of faculty and by the appropriate administrator, department Chair/Head and college Dean, respectively, subject to the chief academic officer, the university Provost.

This leads me to **my second reason** for opposing the proposed amendments: **not only would this bill be redundant following the SBHE mandate for institutions of higher learning to develop post-tenure review policies and procedures, but the proposed amendments would override fair policies already in existence and likely result in an unfair review without adequate peer (faculty) representation and a system of checks and balances.**

I am especially concerned about **Section 1.c**, which specifies the composition of a single tenure review committee:

“The committee must include the faculty member administrative supervisor of the faculty member under evaluation or review, at least one ranking administrator, and no more than one other faculty member.”

I will use my experience to support my point. For a typical faculty member, their administrative supervisor is their Chair/Head, who holds the rank of administrator, and who (at NDSU, in any case) evaluates each faculty member in their department/unit on an annual basis as well as

provides an independent tenure and post-tenure review. The ask for another “ranking administrator” would mean the college dean, vice provost, or provost, and these are already involved in the process at a later college- and university-level review.

In effect, these proposed amendments to HB 1437 collapse what is a more nuanced system of checks and balances to a review committee that has only one peer (faculty) member. It is important that peers and external experts in the faculty member’s area of expertise are part of the evaluation process and not just administrators, whose expertise may be in a very different field. For example, how would my supervisor (Chair), who is a historian, and my college administrator (Dean), who is a botanist, evaluate me, a scholar of literature? That is why department- and college-level PTE committees that consist of other faculty are so important to this process. There is still oversight at each of these levels, but this administrative review is conducted independently to ensure that the faculty member gets an objective evaluation free from intradepartmental or, alternatively, college- or university-wide biases.

Third, the proposed amendments do not provide for an appeals procedure in the case of an unsatisfactory result, which would leave faculty members with no recourse in the case of an unfair review. That is why I am equally concerned about **Section 1.d**, which makes no mention of an appeals procedure in the case of an unsatisfactory result.

Thank you for your time and consideration.

Sincerely,
Dr. Anastassiya Andrianova, PhD
Professor of English, NDSU
Fargo, ND