

**HB 1437**

March 10, 2025

Senate Education Committee  
Rachelle Hunt, President  
Council of College Faculties

Dear Chairman Beard and members of the Education Committee,

I am writing on behalf of the Council of College Faculties (CCF), representing the 11 public institutions of the North Dakota University System (NDUS). Faculty across all NDUS institutions have raised serious concerns regarding HB 1437, and we encourage a **DO NOT PASS** recommendation.

HB 1437 represents an overreach into the governance of higher education in North Dakota, which is constitutionally vested in the State Board of Higher Education (SBHE). The North Dakota Constitution, through Article VIII, Section 6, provides the SBHE with broad powers over the state's institutions of higher education. Established by an initiated measure approved by voters in 1938, the SBHE is granted "control and administration of" all state institutions of higher education, both existing and future. The Constitution explicitly states that the SBHE "shall have full authority over the institutions under its control" and the power to "organize or reorganize within constitutional and statutory limitations, the work of each institution under its control, and do each and everything necessary and proper for the efficient and economic administration of said state educational institutions."

In fact, HB 1437 is unnecessary. The SBHE already has policies in place for all of these needs and recently approved new policies for post-tenure review that campuses are now required to implement. These SBHE policy revisions were created with the encouragement of the legislature after the 2023 legislative session. They detail and explicitly state how institutions of higher education in the NDUS define and implement policies for annual evaluation of all faculty, including tenure-track, tenured, and non-tenure positions, policies for tenure and promotion, and for post-tenure review. These policies are rigorous, tailored to the needs of each institution, and will be implemented in the academic year 2025-2026.

However, our opposition goes beyond the lack of need. As currently written, Section 1.c of the bill prescribes a specific approach to post-tenure review that represents a significant departure from the multi-layered, rigorous approach campuses already take. Ultimately the President has authority over the entire process, subject to whatever rules the SBHE policy requires. Faculty are reviewed initially by those best positioned to understand the work that faculty do, which generally includes multiple faculty peers and their immediate supervisors who have a broad view of the contributions expected from faculty at different career stages and in different disciplines. Currently, there is no single committee or person who can do this, nor would that approach ever be adequate. In other words, the approach taken in 1.c would actually diminish the quality and

rigor of review that is inherent in the system of policies that are already in place or are about to be implemented.

On behalf of the NDUS faculty, I urge the committee to consider the significant implications of this bill and vote as a **DO NOT PASS**.

Sincerely,  
Rachelle Hunt, President  
Council of College Faculties