

Testimony for the 69th Legislative Assembly – Education Committee
March 9, 2025
Dr. Meghan Salyers, 20-Year Veteran of Higher Education

Bill: Engrossed HB 1437

Position: In Favor of Most Recent AMENDED Engrossed Draft*

**Amended Engrossed Draft follows on the next page*

Chairman Beard and Members of the Education Committee:

I sincerely thank Rep. Motschenbacher for his collaborative work with the State Board of Higher Ed, the ND University System, and many institutional representatives in the tenure initiative. My name is Dr. Meghan Salyers, and I currently serve North Dakota as an assistant dean in one of our valuable institutions of higher education. Having served in both public and private, large and small universities over the past 20 years and now a large community college, I have had the earned and *humbling privilege* of seeing our students become impactful teachers, engineers, nurses, attorneys, entrepreneurs, and more, alongside gifted faculty who share in this mission. I am one of several across the North Dakota University System who also serves as a national and state lead accreditation reviewer. The sole purpose of program reviews is to assure high quality and effective preparation in higher education so it should be noted that there are many within the NDUS campus walls who stand for exceptional quality performance.

I have experienced what *proper* implementation of tenure practices can do for an institution and their students: at *minimum*, it attracts national and international talent, assures continued excellence through *constructively* challenging processes, and provides an outstanding platform for our state's students to be even more effective in our communities. It begets local, state, and national impact and recognition.

Improper implementation of tenure practices, in my experience, has led to toxic work environments with low employee morale, reduced growth and stagnancy of programs, and *far* less-than-optimal preparation of the next generation of industry and community workers. Understandably then, continuous excellence in teaching, research, and service are vital to being *sustainably* competitive and respected in the national (and international) arena(s). My colleagues and I have worked very hard and purposefully in our respective fields to be credible and influential voices in the national arena and contribute to better preparation for our students. I believe that no one in our state wants us to lose that footing.

I am pro-tenure and *fully* support faculty who continuously strive for high standards. I am in favor of tenure policy that holds responsible all faculty *and supervisory administration*, of whom I am one, to very high ethical standards and practices that empower those in our care. Although I am not certain that a law is necessary to ensure this practice, I am in favor of the AMENDED bill that Rep. Motschenbacher submitted to you this morning *with one additional small but very important wording change in 1.d that he has agreed to:*

from "The review committee must be comprised of..."

to "The composition of the committee must include the administrative supervisor of..."

I believe this will clarify the intent of the bill sponsors and alleviate warranted fears of having an unfair evaluation. The AMENDED Engrossed bill below contains inclusive language that will balance the voices between administration and faculty by putting into law that the committee must be comprised of at least one-third and no more than one-half faculty (new 1.d). It also maintains that each institution has

the freedom to select their committee members beyond the two administrators. Should you find that a law is needed, I firmly believe that a law that holds faculty accountable for continued excellence must also provide opportunity for supervisory administration to empower excellence through fair, objective, and well-informed evaluations. *The most recent iteration of the Engrossed bill* that was given to you today assures – as much as should be possible and ethical through law - fair and accurate evaluation through the balance of voices.*

Sections 1.a and 1.b provide space for the institutional freedom to (a) define its criteria for achieving tenure and continuous tenure performance and (b) the processes by which this can be accomplished. This supports the institutions' individual identities and control with oversight by the SBHE, which is already in statute. The language in these Sections also leaves space for institutions to define appeals processes for faculty to appeal their review. Further and very importantly, 1.b allows for peer review in the process should an institution choose.

The new Section 1.d that includes the aforementioned wording change (“...composition must include...”), reaffirms the institutional freedom to choose the size and composition of tenure review committees as long as the immediate supervisor and one ranking administrator are involved. Although this is common practice in many institutions, it is stipulated to provide supports for other institutions.

Many institutions in the NDUS have much more rigorous review processes than this law requires. I believe that law is the floor of quality, not the ceiling. As I read the AMENDED bill with my suggested wording change, I do not see a ceiling for individual institutions, nor anything that would detract from institutions' missions and values. I want to thank the legislators for hearing and learning about higher education and its unique context, and for their willingness to work with so many stakeholders in this process. The many people involved in this bill and here today to defend tenure and academic freedom is a testament to its importance. Thank you.

AMENDED Engrossed HB 1437 as of March 9, 2025

- 1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota
- 2 Century Code, relating to academic tenure policy at institutions of higher education.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is
created

5 and enacted as follows:

6 **Academic tenure - Policy - Evaluations.**

7 **1. By July 1, 2026, institutions of higher education under the control of the state**
board of

8 **higher education offering faculty academic tenure shall develop and adopt a**
policy for

- 9 tenured and tenure-track faculty employed by the institution, which:
- 10 a. Defines progression and advancement criteria at each stage of tenure
- 11 progression, including **criteria for continued** post-tenure review.
- 12 b. Establishes a procedure for annual evaluation of all nontenure, tenure-
- 13 track, and
- 13 tenured faculty by the president of the institution or the designee of the
- 13 president.
- 14 c. Establishes a procedure for post-tenure evaluations, which must be
- 14 informed by
- 15 the annual evaluations under subdivision b and conducted by a committee
- 16 appointed by the president of the institution or the designee of the
- 16 president. The
- 17 first **post-tenure evaluation** must **be completed** within three years.
- 17 Subsequent evaluations must
- 18 be completed at minimum every five years.
- 18 d. The post-tenure **review committee must include in its composition** the
- 18 administrative supervisor of the faculty member being evaluated or
- 18 reviewed, at least one ranking administrator, and **faculty that number no less**
- 18 than one-third and no more than one-half of the committee. The composition
- 18 of the committee must assure fidelity to performance excellence within the
- 18 faculty role.

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- 1 e. Defines the outcome of an unsatisfactory review of post-tenured faculty, which
2 may be removal from the position. The decision to remove faculty from a position
3 must be made by the employing institution and the state board of higher
4 education.
- 5 f. Is approved by the state board of higher education.
- 6 2. Advertisement of open faculty positions by institutions of higher education under the
7 control of the state board of higher education offering faculty academic tenure must
8 designate the position as nontenure-track or tenure-track. Upon offering a tenure-track
9 position to a candidate, the institution shall provide the candidate the policy required
10 under this section.