



HB 1437

Senate Education Committee

March 11, 2025

Lisa A. Johnson, North Dakota University System
701-340-5054 | lisa.a.a.johnson@ndus.edu

Chair Beard and Members of the Senate Education Committee -

My name is Lisa Johnson. I serve as the Vice Chancellor for Academic and Student Affairs with the North Dakota University System (NDUS). I am writing in opposition to one specific section of engrossed HB 1437.

First, I wish to convey the University System's appreciation for the bill sponsor and his willingness to make substantive amendments to HB 1437 that aligned well with State Board of Higher Education policies prior to crossover.

As written, there is only one specific sentence remaining that the NDUS faculty, campus administrators, and the SBHE seek to strike as our only proposed amendment to HB 1437 in Section 1.c.

The language in Section 1.c. describes a very prescriptive post-tenure review committee in the last sentence. It is the only section of the bill that is misaligned with the seven newly revised SBHE tenure and post-tenure policies. As written, the sentence has caused confusion among faculty and campus administrators in its application. Perhaps most concerning is the elimination of lower-level reviews and feedback from a wider array of constituents—content or industry experts, fellow researchers, external constituents, etc.

I understand there is public perception that campus presidents are limited in their input and participation in the tenure/post-tenure review process. Every campus president signs off on each candidate for the award of tenure. At the larger research institutions, the volume of tenure and post-tenure reviews may be delegated to a Provost or Vice President. They rely on feedback from committee members—both internal and external to the department and sometimes even the institution. At smaller institutions, the campus president is more likely to have greater interaction with the faculty member, campus colleagues, and the community in assessing a recommendation for the award of tenure or post-tenure review. In short, the process works. A prescribed “one size fits all” post-tenure committee to review candidates for the continuation of tenure as outlined in HB 1437 is unnecessary, reduces valuable feedback from additional constituents, and assumes a protocol as if all campuses were similar in size, mission, and teaching or research responsibilities.

The NDUS and the SBHE urge a Do Not Pass with the current inclusion of a prescribed post-tenure review committee. The NDUS and the SBHE remain supportive of the remaining language reflected in the bill and are confident that we can work together for a resolution to advance HB 1437.

25.0830.02000

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1437

Introduced by

Representatives Motschenbacher, Hauck, J. Johnson, Klemin, Lefor, Meier, Rohr, Dockter
Senators Larson, Rummel, Dwyer

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 post-tenure review.
- 12 b. Establishes a procedure for annual evaluation of all nontenure, tenure-track, and
13 tenured faculty by the president of the institution or the designee of the president.
- 14 c. Establishes a procedure for post-tenure evaluations, which must be 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 president. The
17 first evaluation must occur within three years. Subsequent evaluations must
18 occur every five years or more frequently. ~~The committee must include the faculty~~
19 ~~member administrative supervisor of the faculty member under evaluation or~~
20 ~~review, at least one ranking administrator, and no more than one other faculty~~
21 ~~member.~~

Sixty-ninth
Legislative Assembly

- 1 d. 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 e. 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.