



**SB 2392**

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Chair Beard and Members of the Committee: My name is Carter Gill and I am Vice President of Governmental Affairs for the North Dakota Student Association. I am here today in opposition of SB 2392.

The North Dakota Student Association (NDSA) is dedicated to ensuring that students have a voice at the table in policy that affects higher education. We consist of delegates from each of the 11 public North Dakota University System (NDUS) institutions, meeting monthly to engage students in discussions about North Dakota higher education policy. Since 1969, our mission has been to empower students, create collaboration between the student bodies of the North Dakota public universities, and to provide a student perspective on higher education policy.

On February 8<sup>th</sup>, the NDSA passed [NDSA-24-2425](#): A Resolution in Opposition to SB 2392 - Regulation of Prohibited Discriminatory Practices, and, for the sake of brevity of my testimony, my opposition to this bill will be focused on the administrative and academic effects of this bill. Section 1.5 defines a “prohibited training” as a “mandatory instructional program, including an in-person or online seminar, discussion group, workshop, and related materials which an institution requires the institution’s employees, prospective employees, students, or prospective students to attend and which promotes discriminatory practices.” The language used in this section, although not explicitly stating it, uses language that would apply to courses. It is the position of the NDSA that higher education governance should remain with the State Board of Higher Education (SBHE) as the legislature’s current function is to delegate the responsibility of managing the affairs and operation of the NDUS to the SBHE. The legislature’s primary role

should continue as the appointment of new members and the authorization of funding for each biennium.

The responsibility of managing what can be taught in classrooms or training for students, faculty, and staff is the responsibility of the SBHE and the individual NDUS institutions. Should this bill be passed as written, it would severely limit faculty's ability to teach courses required for graduation and it would be an unprecedented legislative overreach.

When preparing NDUS students to enter the workforce, discussing personal characteristics and the challenges that individuals may face is foundational to careers such as education, business, law, medicine, etc. All of these careers would be affected by this bill and the SBHE and NDUS institutions would have to make significant changes to curriculum to accommodate these changes. The NDSA is concerned that these changes would be at the expense of both NDUS institutions and the state.

For example, empirical evidence shows that medical providers may have biases against patients based on their personal characteristics outlined in this bill that could result in lower quality care and outcomes.<sup>1</sup> Similarly, there is evidence in education that implicit bias is a contributing factor to negative academic results for students based on personal characteristics.<sup>2</sup> NDUS institutions provide programs in both these fields to prepare students to recognize and address these issues – not to instill guilt in students, but to bring awareness that biases may exist, even subconsciously, so graduates can better serve their communities.

The legislative overreach continues with the bill's demands for events promoted by NDUS institutions such as mandatory faculty trainings on political neutrality, academic freedom and freedom of speech, as well as the public listing of course titles and syllabi. The inclusion of courses, while not explicitly addressed earlier in this bill, supports the NDSA's concern of legislative overreach in restricting academic freedom.

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<sup>1</sup> Hall, et al. "Implicit Racial/Ethnic Bias Among Health Care Professionals and Its Influence on Health Care Outcomes: A Systematic Review". December 2015. <https://pmc.ncbi.nlm.nih.gov/articles/PMC4638275/>.

<sup>2</sup> Hu & Hancock. "State of the Science: Implicit Bias in Education 2018-2020". May 2024. <https://kirwaninstitute.osu.edu/research/state-science-implicit-bias-education-2018-2020>.

Considering all sections of the bill, the NDSA is concerned about contradiction. SB 2392 calls for training on academic freedom whilst simultaneously restricting the academic freedom of faculty.

When discussing the restrictions laid out by this bill, your focus as the Education Committee should be on providing quality instruction for NDUS students. What other professions, aside from state legislators themselves, face this level of scrutiny? Is regulating and restricting teachers' ability to perform in their role an effective way to attract educators into North Dakota and retain the future educators trained at NDUS institutions? One of the NDSA's priorities is to advocate for providing a high-quality education for NDUS students. Continuing to interfere on higher education policy in contempt of the SBHE will only lower the quality of education. Regardless, none of the concerns addressed by SB 2392 are taking place in the manner the bill describes which only reflects the nature of a divisive and polarized political landscape. If such issues were to arise, existing policies are already in place to handle them appropriately.

On behalf of the North Dakota Student Association, I urge the Education Committee to give a DO NOT PASS recommendation on SB 2392.