



NDSA-24-2425

## **A Resolution in Opposition of SB 2392: Regulation of Prohibited Discriminatory Practices**

**WHEREAS**, the North Dakota Student Association (NDSA) represents the voice of North Dakota's 45,000 public college and university students; and,

**WHEREAS**, the purpose of NDSA is to represent all students enrolled in the North Dakota University System (NDUS) and advocate on issues of higher education in support of access, affordability, quality, and the student experience; and,

**WHEREAS**, during the 69<sup>th</sup> Legislative Session, legislators have proposed SB 2392, a bill that would create sweeping, negative changes to institutions under control of the State Board of Higher Education (SBHE); and,

**WHEREAS**, SB 2392 creates a new term in the ND Century Code "prohibited discriminatory practice" that uses politically charged, vague terminology to target institutions' departments and campus culture; and,

**WHEREAS**, SB 2392 defines a "prohibited training" as a discriminatory practice that means "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,

**WHEREAS**, aspects of what this bill considers as prohibited training are integral aspects of classes, including general education courses or required courses for majors; and,

**WHEREAS**, in the enforcement of this bill, SB 2392, in contempt of the SBHE, would severely limit faculty's ability to teach courses for students to graduate; and,

**WHEREAS**, the SBHE is composed of members appointed by the governor, along with one student recommended by the NDSA, whose responsibility is to create higher education policy, this bill would be unprecedented legislative overreach if passed into law; and,

**WHEREAS**, SB 2392 creates a definition of a "prohibited submission" in Section 1.1.4, which regards a policy, program, or initiative that promotes differential treatment based on an individual's personal identity characteristics; and,

**WHEREAS**, when preparing NDUS students for the workforce, discussing these personal characteristics and the challenges that people with certain characteristics may face is foundational to careers such as education, business, law, medicine, etc. and all of which are in regard to prohibited submissions; and,

**WHEREAS**, under SB 2392, the SBHE and NDUS institutions would have to make significant changes to curriculum to accommodate these changes, likely at the expense of the institution and the state; and,

**WHEREAS**, SB 2392 states that "institutions shall train annually the institution's faculty and staff on academic freedom and freedom of speech in accordance with state and federal law" which contradicts its own merit in that the teaching or presentation of the concepts defined



as “prohibited discriminatory practices” are practices of free speech and academic freedom; and,

**WHEREAS**, this bill restricts the academic freedom of faculty by creating these contradicting regulations for NDUS institutions; and,

**WHEREAS**, these required trainings and other actions this bill deems as prohibited and discriminatory do not take place on NDUS campuses in the way described by SB 2392 and, rather, reflect the nature of a divisive and polarized political landscape; and,

**WHEREAS**, if these are happening on NDUS campuses, there is already a system for processing reports and a review process for such claims; and,

**WHEREAS**, the bill also prohibits institutions from considering an individual’s personal identity characteristics in determining the receipt of state financial and other state financial aid, including a scholarship or tuition waiver; and,

**WHEREAS**, under this definition, SB 2392 would prohibit the administration of Diversity Waivers that many students rely on to lower their cost of attendance at a NDUS institutions; and,

**WHEREAS**, these waivers are a reduction of the cost of tuition that is available for a wide range of students and does not use state funds to offer these to students; and,

**WHEREAS**, the removal of these waivers would negatively impact these students, and goes against the NDSA’s legislative priority of increasing the affordability of the NDUS through supporting scholarships and grants comparable to others in the region and to workforce needs; and,

**WHEREAS**, this would make North Dakota uncompetitive in attracting students to attend institutions in the state, those students opting to attend college out of state where these grants and scholarships are given to them; and,

**WHEREAS**, SB 2392 also states that an institution may not establish an office, division, employment position or other unit of an institution established to implement, develop, plan or promote campus policies, procedures, practices, programs, or initiatives regarding prohibited discriminatory practices; and,

**WHEREAS**, under this broad definition, institutions could be prohibited from having Diversity, Equity and Inclusion offices and offices of similar functions; and,

**WHEREAS**, the removal of these offices would impact students that greatly benefit from these spaces, and could potentially make these students feel unwelcome to the campus community, and negatively contribute to the mental health problems that many students face, decrease institutional retention rates, and push students away from attending institutions of Higher Education in North Dakota; so,

**THEREFORE, BE IT RESOLVED**, the North Dakota Student Association opposes SB 2392; and,

**THEREFORE, BE IT FURTHER RESOLVED**, that the North Dakota Legislature continues to let the State Board of Higher Education conduct business and policy in the best interests of students and NDUS institutions; and;



**THEREFORE, BE IT FURTHER RESOLVED**, the North Dakota Student Association opposes the elimination of waivers and grants related to Diversity, Equity and Inclusion, and;

**THEREFORE, BE IT FURTHEST RESOLVED**, the North Dakota Student Association opposes any closures of any DEI, Pride, or related centers.

*Approved by the North Dakota Student Association General Assembly  
Saturday, February 8<sup>th</sup>, 2025*