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Testimony on HB 1503
Senate Education Committee
March 22, 2021

Chairman Schaible and members of the Committee, I am Nick Archuleta, president of North Dakota United. ND United is a union of professionals including higher ed faculty and education support staff. I am appearing before you today to urge a Do Not Pass recommendation for HB 1503. Mr. Chairman, ND United opposes HB 1503 for a variety of reasons including:

- There have been no verified violations of free speech at any of the campuses governed by the North Dakota University System for the last dozen years. No complaints. No lawsuits. None.
- HB 1503 prohibits institutions from restricting students' free speech to "free speech zones," even though there is not a single campus in the NDUS that has a "free speech zone."
- The North Dakota Student Association is four-square against the passage HB 1503. The NDSA has identified specific sections of HB 1503 that "could be more harmful than helpful to NDUS students." That is ironic considering that this bill was drafted purportedly to help students.
- HB 1503 will have a chilling effect on academic freedom. Whereas this section of law once called on the SBHE and each institution to adopt a policy that "Protects the academic freedom and free speech rights of faculty *while adhering to guidelines established by the American Association of University Professors*," if passed, the new language will have those same institutions adopt a policy that, "Protects the academic freedom and free speech rights of faculty *"by guaranteeing, at minimum, no faculty member will face adverse employment action for classroom speech, unless the speech is not **reasonably germane** to the subject matter of the class as **broadly construed** and comprises a substantial portion of classroom instruction.*" Mr. Chairman and members of the Committee, who is to decide what is *reasonably germane* and how broad is *broadly construed*?
- After the adoption of a policy that addressed concerns raised by the Foundation for Individual Rights in Education (FIRE), FIRE gave the policy its coveted "green" rating on March 10, 2020. So why is that not good enough now?

Chairman Schaible and members of the Committee, the SBHE and the NDUS have written and implemented policies that protect free speech on its university campuses. Who says so? Well, students say so. FIRE said so. And higher education faculty say so. HB 1503 is unnecessary, and unwelcome. On behalf of the members of North Dakota United, I urge a DO NOT PASS recommendation for HB 1503.



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