

## Individual Testimony in Opposition to House Bill 1446

March 9, 2023

Dear Chairman Elkin and Senators Beard, Axtman, Conley, Lemm, and Wobbema:

My name is Dr. Anastassiya Andrianova, and I am a tenured associate professor of English at North Dakota State University (NDSU) in Fargo and the President of the NDSU Faculty Senate. In addition to my personal testimony **in opposition to House Bill 1446** (tenure review), I am also submitting a Resolution approved by the NDSU Faculty Senate on February 13, 2023. My individual testimony reflects my own ideas and *not* those of the university; the Resolution reflects the opposition to this bill by NDSU faculty whom the NDSU Faculty Senate represents.

First, I want to thank you for your work in furthering the interests of the citizens of North Dakota. The ND Legislature plays an important role in making sure those interests are met. However, this effort to review, redefine, and potentially end tenure is *not* in the best interest of North Dakota.

In fact, tenure, being an academic matter, is fully within the purview of the State Board of Higher Education (SBHE). According to Article VIII. Education, [Section 6.6.b](#) of the North Dakota Constitution, the “state board of higher education shall have full authority over the institutions under its control [...]” The SBHE has the resources and the expertise to look into tenure and make adjustments, if necessary. The SBHE now officially opposes HB 1446, and I fully support the board’s subsidiary power with respect to the 11 NDUS institutions of higher education under its control.

Further, this proposed bill will be and is already damaging to the state of North Dakota. HB 1446 is meant to solve DSU’s financial problems at the expense of the entire NDUS system. Although the first part of the bill focuses on DSU and BSC and the four-year pilot study of those two colleges, the second half attacks tenure across all 11 NDUS institutions by laying the foundation for university presidents to fire tenured faculty. HB 1446 is a slippery slope. The bill has received a lot of negative publicity already, including by the AAUP and FIRE. If passed, it will result in a brain drain of current academics and dissuade others from coming here. It will, as result, have a negative economic impact on the state and the workforce. Every time an article appears in print that mentions North Dakota and the current legislative effort to revise tenure we lose one or more prospective researchers who could make our universities and the state of North Dakota great. This is very bad.

House Bill 1446 is a threat to tenure and academic freedom, one of the key faculty rights that tenure protects. Although, in its amended form, this bill allegedly checks a university president’s unilateral power to fire tenured faculty by granting the right of appeal with the chancellor, this is not meaningful appeal, and is still taking tenure out of the hands of faculty and university administrators (chairs/heads, deans, provosts). There are already policies and procedures in place at the level of the SBHE and NDSU that ensure checks and balances in the tenure process, that provide for post-tenure review, and that also allow for suspension and dismissal of tenured faculty: due to exigency (e.g., the closure of academic programs) or “adequate cause” (e.g., dishonest teaching; violation of institutional policy; failure to fulfill duties).

House Majority Leader Lefor, the sole sponsor of HB 1446, read an email from a particularly disgruntled faculty member, suggesting that this is the rule, rather than the exception. He also cited that only a

handful of tenured faculty have been dismissed in the past 5 years. As NDU President Nick Archuleta pointed out in his testimony on February 3rd, is it not possible that the number is so low because tenured faculty are actually performing their duties? As NDUS Chancellor Mark Hagerott also noted, this number is not entirely telling because many faculty leave before the tenure review, especially if they see the writing on the wall.

So why support a bill that would effectively undermine tenure in the whole state on the basis of anecdotal evidence when the arguments in favor of tenure, academic freedom, and accreditation are so much more convincing?

I will conclude by assuring you that tenure is not a *carte blanche* to do nothing. I have never worked as hard as I have after tenure. You can ask my family – whom I've been neglecting and even now, instead of joining my spouse and young daughter at the pool, I feel compelled to write this testimony. I have had to write my other testimonies in the middle of the night after my child went to bed and after I completed my other pressing tasks – research, teaching, and other service. Whoever is telling you that tenured faculty are producing nothing is getting their accounts from ill-informed anti-intellectual social media.

If this bill passes for Dickinson and Bismarck, it is only a matter of time before another bill attempts to extend it to the two research universities. As a tenured faculty member at one of these two institutions, I assure you, this will be damaging and devastating as we will lose current researchers and scholars and we will fail to attract the best talent that we need to maintain the high quality our public universities.

I therefore urge you to VOTE RED on HB 1446.

Thank you.