

**HB 1256**March 13<sup>th</sup>, 2023

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Chair Lee and Members of the Committee: My name is Adelyn Emter and I am the Chief of Staff with the North Dakota Student Association (NDSA). I am writing today in opposition of SB 1256.

The North Dakota Student Association 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 January 21<sup>st</sup>, 2023, the NDSA General Assembly passed [NDSA-16-2223](#): A Resolution in Opposition to the Criminalization of False Allegations of Sexual Harassment or Discrimination. This resolution expresses student concerns posed by HB 1256. First, college-age people are the population most at risk of sexual assault. College-age women are 4 times more likely to experience sexual assault than other women and male college-aged students are 78% more likely than non-students of the same age to be a victim of rape or sexual assault<sup>[1]</sup>. 13% of all college and graduate students report nonconsensual sexual contact by physical force or an inability to consent, according to a 2019 Association of American Universities survey of nearly 182,000 students<sup>[2]</sup>. Because of the disproportional impact of sexual crime on college students, our organization felt it important to take a firm stance against this legislation.

HB 1256 threatens the integrity of the Title IX reporting process by dissuading students from reporting experiences of sexual harassment, sexual violence, and discrimination. Sexual harassment and discrimination is already highly unreported, and this bill would further discourage reporting by establishing a penalty for failure to produce adequate evidence. This



legislation may also have an unintended impact on the actions of mandated reporters. North Dakota University System (NDUS) faculty, staff, and other employees are required to report all known information regarding suspected or potential discrimination, harassment, or sexual violence against students, an obligation that extends to suspected or potential sexual harassment or sexual violence involving students that occurs off-campus. These mandated reporters should not have to choose between fulfilling their obligation to report suspected discrimination or harassment and violating criminal law. Further, students' right to the filing of a civil rights complaint of discrimination must be protected without fear of retaliation\

The process under which the criminal justice system and NDUS Title IX evaluate reported crimes or complaints of discrimination are designed to evaluate information and determine the truth. These existing processes adequately address the concerns presented by the sentiment of this bill. Additionally, making false statements is already a Class A Misdemeanor under North Dakota Century Code 12.1-11-02; therefore, this legislation is unnecessary and detrimental to the reporting of crimes based on Title IX discrimination. In conclusion, the North Dakota Student Association encourages the committee to provide a Do Not Pass recommendation on HB 1256.