



SB 2274

Senate Human Services Committee

February 13, 2023

Katie Fitzsimmons, Director of Student Affairs, NDUS

701-328-4109 | katie.fitzsimmons@ndus.edu

Chair Lee and members of the Senate Human Services Committee: My name is Katie Fitzsimmons, and I serve as the Director of Student Affairs for the North Dakota University System. I am here today on behalf of the North Dakota University System and its eleven institutions to provide testimony in opposition related to SB 2274, enlighten the committee about the current process used throughout the North Dakota University System, and provide consideration for an amendment.

Currently, with respect to vaccination data, the eleven campuses engage in a process to obtain sufficient records to ensure the safety of all students on campus in the event of an outbreak. Providing proof of vaccination is not required. Students are given two options: 1) Provide MMR and meningitis vaccination records to the campus OR 2) Complete the immunization exemption form and decline to provide records to the campus.

Option two is for students who prefer to not disclose whether they have received vaccinations. We do not ask why a student is requesting an exemption; we simply ask so we know the possible impact of an outbreak, should one occur on our campus or community. If an outbreak were to occur, the students who exempted from the requirement would be considered not vaccinated. As such, those students might not be allowed to attend classes in person or live on campus until the threat of disease is no longer present; that would be dependent on the assessment and recommendations of the local public health unit. We do not require any vaccination information from faculty, staff, or visitors to our campuses. However, if a faculty or staff member chooses to enroll in a course and attend it in person, they must also provide records or complete the exemption form.

We currently do not require any vaccine but asking for documentation one way or the other is a requirement for enrollment. Thus, our current process would not be congruent with state law if this bill were enacted. If we are required to change our current protocol, it could present challenges if an outbreak of a preventable disease were to occur. If this bill moves forward, the North Dakota University System requests an indemnification clause to lift the liability of severe injury, loss of access to education, and death if such circumstances were encountered due to a case of measles, mumps, rubella, or meningitis. Our concern lies in the ability to rapidly respond to possible cases of disease, and we feel equipped to do so under our current process and with the partnership with local public health units.

For further consideration, section one of the bill provides necessary carve outs for medical facilities and nursing homes. Similarly, we have students living in congregate living settings. We would request the committee consider the risks a preventable, infectious disease presents in such an environment and would request the committee consider providing an exception for the University System.



This concludes my testimony related to SB 2274. I respectfully request consideration of an indemnification clause or providing an exception for higher education if our current process would no longer be allowed. I will gladly work with the clerk and Legislative Council to draft such an amendment if necessary. I remain available for questions from Committee members and bill sponsors.