

ENGROSSED HOUSE BILL NO. 1437

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments**

Introduced by

Representatives Motschenbacher, Hauck, J. Johnson, Klemin, Lefor, Meier, Rohr, Dockter
Senators Larson, Rummel, Dwyer

A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to academic tenure policy at institutions of higher education; and to amend and reenact subdivision a of subsection 1 of section 15-10-17, relating to the powers and duties of the state board of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 1 of section 15-10-17 of the North Dakota Century Code is amended as follows:

1. a. ~~Appoint~~ Subject to Section 2 of this Act, appoint and remove the president or other faculty head, and the professors, instructors, teachers, officers, and other employees of the several institutions under the board's control, fix the salaries for those positions within the limits of legislative appropriations; and fix the terms of office and prescribe the duties of the positions.

SECTION 2. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Academic tenure - Policy - Evaluations.

1. By July 1, 2026, institutions of higher education under the control of the state board of higher education offering faculty academic tenure shall develop and adopt a policy for tenured and tenure-track faculty employed by the institution, which:

a. Defines progression and advancement criteria at each stage of tenure progression, including criteria for continued post-tenure review.

b. Establishes a procedure for annual evaluation of all nontenure, tenure-track, and tenured faculty by the president of the institution or the designee of the president.

- 1 c. Establishes a procedure for post-tenure evaluations, which must be informed by
2 the annual evaluations under subdivision b and conducted by a committee
3 appointed by the president of the institution or the designee of the president. ~~The~~
4 ~~first post-tenure evaluation must be completed within three years. Subsequent~~
5 ~~post-tenure evaluations must be completed at least every five years or more~~
6 ~~frequently.~~
- 7 d. Provides ~~for~~ the composition of a ~~culminating post-tenure evaluation~~ committee
8 ~~must include the administrative supervisor of the faculty member being~~
9 ~~evaluated, at least one ranking administrator, and tenured faculty comprising no~~
10 ~~less than one-third and no more than one-half of the committee~~ to evaluate faculty
11 members post-tenure within three years of being awarded tenure and every five
12 years thereafter.
- 13 e. Defines the outcome of an unsatisfactory review of post-tenured faculty, which
14 may be removal from the position. The decision to remove faculty from a position
15 must be made by the employing institution and the state board of higher
16 education.
- 17 f. Is approved by the state board of higher education.
- 18 g. Provides for a hearing and appeal process for a faculty member aggrieved by the
19 policy adopted under this subsection or decision made by the committee under
20 subdivision c.
- 21 2. Advertisement of open faculty positions by institutions of higher education under the
22 control of the state board of higher education offering faculty academic tenure must
23 designate the position as nontenure-track or tenure-track. Upon offering a tenure-track
24 position to a candidate, the institution shall provide the candidate the policy required
25 under this section.