

To: Chair Heinert and the Education Committee
From: The University Senate of the University of North Dakota
Subject: Opposition to Senate Bill 2242
Date: March 4, 2025

Dear Chair Heinert and Members of the Education Committee,

I am Zarrina Azizova, an Associate Professor of Higher Education and Chair of the University Senate at the University of North Dakota. On behalf of UND's University Senate, I write to express *our opposition to SB 2242* that proposes a legislative management study on institutions of higher education in North Dakota.

First and foremost, if a study is needed, it should be initiated and conducted by the State Board of Higher Education (SBHE). The North Dakota Constitution provides the SBHE with broad powers and specifies that the SBHE retains any powers it does not explicitly delegate to the institutions. Specifically, the SBHE was established by an initiated measure approved by the voters in 1938 (now Art. VIII, § 6 of the North Dakota Constitution). Art. VIII, §6 states the SBHE “shall have the control and administration of” all of the state institutions established in the state constitution at that time and “such other state institutions of higher education as may hereafter be established.” Further, the SBHE “shall have full authority over the institutions under its control” and “full authority to organize or reorganize within constitutional and statutory limitations, the work of each institution under its control, and do each and everything necessary and proper for the efficient and economic administration of said state educational institutions” (See also NDCC § 15-10-01.2).

SB 2242 proposes an expansive study that includes: (1) Exploring institutional consolidation and satellite campuses; (2) Standardizing three-year degree programs; (3) Reviewing tuition and fee structures; and (3) Evaluating transcript uniformity and credit transfer policies. Each of these areas requires careful consideration of diverse institutional missions, accreditation standards, faculty governance, student learning, student success outcomes, workforce demands, to name a few. Without input from higher education leaders and experts, there is a significant risk that the study's recommendations may be misaligned with best practices or fail to account for the operational and academic realities of colleges and universities in our state.

Additionally, institutional consolidation and curricular restructuring have long-term consequences that must be thoroughly examined with input from faculty, students, and institutional leadership. Any changes to tuition models, degree structures, or credit transfer policies must be implemented with a deep understanding of student needs and institutional shared governance models. The current committee composition of SB 2242 does not guarantee such expertise in decision-making. In other words, while we recognize the value of assessing and improving the state's higher education system, we have significant concerns about the committee composition and a potentially adverse impact of this study on higher education of the state. To reiterate, our two major concerns are:

1. **Legislative Overreach and Lack of Higher Education Representation & Voting Privileges.** The SBHE and the NDUS already oversee higher education policy and strategic planning. It is unclear why this study cannot be conducted within the existing governance structure rather than by a politically appointed committee. Additionally, SB 2242 excludes representatives from North Dakota's higher education institutions while assigning decision-making power to elected officials without clear justification for why lawmakers—rather than those who work directly in higher education—should determine strategies for institutional efficiency, curriculum development, and potential consolidation. Although the committee includes representatives from higher education—such as the chair of the SBHE and the chancellor of the North Dakota University System (NDUS)—they are relegated to nonvoting roles and given the same level of representation as K-12 education and industry. Decisions about higher education should be informed by those with academic expertise in curricular development, institutional operations, student success, accreditation requirements, and governance. The absence of higher education representatives as voting members suggests that political considerations, rather than educational expertise, may drive the study's recommendations.
2. **Overlooking Higher Education Expertise.** SB 2242, as written, diminishes the role of higher education experts in shaping the future of North Dakota's universities and colleges. Higher education institutions have long engaged in internal strategic planning, efficiency reviews, and curriculum development. If the goal is to enhance collaboration, affordability, and institutional effectiveness, those with firsthand experience in higher education should be leading the study, not merely providing nonvoting input. Additional representation from different types of institutions across the state should be considered as it would ensure a broader, more informed and data-driven perspective in shaping the future of North Dakota's higher education system.

We strongly urge the committee to evaluate whether such a study should be conducted by the existing governance structures, such as the SBHE and the NDUS. We believe that, as a politically appointed body, the SBHE will represent the views and concerns of the taxpayers of North Dakota. We are also certain that the long-term success of North Dakota's universities and colleges depends on policies and decisions that uphold higher education expertise, broader academic representation in governance decisions, institutional autonomy, academic quality, and student success.

For these reasons, **we urge a DO NOT PASS recommendation on SB 2242.**

Respectfully submitted,

Zarrina Azizova, Ph.D.

2024-2025 Chair, University Senate of the University of North Dakota