

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1446

Introduced by

Representative Lefor

1 A BILL for an Act to create and enact two new sections to chapter 15-10 of the North Dakota
2 Century Code, relating to a pilot program for tenured faculty review at institutions of higher
3 education; to provide for a legislative management report; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Faculty tenure duties and responsibilities - Pilot program - Report to legislative**
8 **management.**

9 1. The state board of higher education shall implement a four-year pilot program focused
10 on the new campus models at Bismarck state college and Dickinson state university
11 no later than May 1, 2023, to improve the tenure process. The pilot program may not
12 apply to a research university.

13 2. A tenured faculty member employed at an institution of higher education under the
14 control of the state board of higher education shall:

15 a. Comply with the policies, procedures, and directives of the institution, the
16 institution's president and other administrators, the state board of higher
17 education, and the North Dakota university system.

18 b. Effectively teach and advise a number of students approximately equal to the
19 average campus faculty teaching and advising load.

20 c. Engage in measurable and effective activities to:

21 (1) Help retain students for the institution.

22 (2) Help students achieve academic success.

23 d. Perform all other duties outlined in any applicable contract and position
24 description.

- 1 3. An institution involved in the pilot program under this section:
- 2 a. May adopt policies and procedures requiring tenured faculty to promote
- 3 advancement of and further the mission of the institution.
- 4 b. Shall provide a progressive report of the pilot program to the legislative
- 5 management no later than December 31, 2025.
- 6 c. Shall provide a final report of the pilot program to the legislative management no
- 7 later than December 31, 2026.

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

10 **Faculty tenure review by presidents of institutions of higher education.**

- 11 1. The president of each institution of higher education designated under section 1 of this
- 12 Act may review performance of any or all of the duties and responsibilities under
- 13 section 1 of this Act of any faculty member holding tenure at any time the president
- 14 deems a review is in the institution's best interest.
- 15 2. A review under subsection 1 must include a written assessment of whether the faculty
- 16 member is complying with the duties and responsibilities reviewed.
- 17 3. If a president determines a tenured faculty member has failed to comply with a duty or
- 18 responsibility of tenure, the president may not renew the contract of the tenured faculty
- 19 member, unless the president specifically articulates why it is in the interest of the
- 20 institution to continue to employ the faculty member despite the faculty member's
- 21 failure to comply with the duties and responsibilities of tenure.
- 22 4. The president of an institution may enlist the assistance of an administrator at the
- 23 institution to conduct a review but may not delegate responsibility for the review to a
- 24 faculty member who is not an administrator.
- 25 5. When conducting a review under this section, the president of an institution may
- 26 assess and review other factors relevant to the faculty member's employment and the
- 27 interests of the institution and the institution's students.
- 28 6. A review under this section is not reviewable by a faculty member or faculty
- 29 committee. A faculty member whose contract is not renewed or whose employment is
- 30 terminated or suspended as a result of a review under this section may appeal the
- 31 review to the commissioner of the state board of higher education. The president is

1 subject to review and assessment by the commissioner and the state board of higher
2 education for the reviews the president conducts under this section.
3 7. The president and any administrators delegated to assist the president shall fulfill
4 these duties without fear of reprisal or retaliation. No complaint, lawsuit, or other
5 allegation is allowed against a president or other administrator for actions taken
6 pursuant to these provisions. The state shall indemnify the members of the state board
7 of higher education, the president of an institution of higher education, or an
8 administrator of an institution of higher education for all reasonable costs, including
9 attorney's fees, incurred in defending any actions taken pursuant to this Act.

10 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.