

# Is there a legislative agenda to silence whistleblowers at Dickinson State University?

Efforts to shut up whistleblowers will only make it harder to fix higher ed and attract/retain talent.



Dustin Gawrylow  
Jan 21



Previously, I wrote about House Bill 1198 would “require an individual who requests an open record to provide the individual's name and contact information,” and how this is a huge departure from current law and policy. That bill is sponsored by Representative Mike Lefor, Representative Vicky Steiner, and Senator Dean Rummel - the entire District 37 delegation from Dickinson.

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North Dakota's Watchdog Update

## Bill Would End Anonymous Open Record Requests

Last night, we released our first tracking list of the 2023 Legislative session. One bill posted today that is sure to raise some eyebrows among journalists and advocates of government transparency is House Bill 1198. This bill would “require an individual who requests an open record to provide the individual's name and contact information...”

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12 days ago · Dustin Gawrylow

The Grand Forks Herald editorial board wrote an opinion agreeing that this is a bad bill:

*When any person walks into a public office – some city hall or school headquarters, for instance – they are entitled to see any public record they wish. That person doesn't have to explain, give their name or why they have an interest in that public record.*

*They don't even have to be from that town.*

*That is not only the law, it's just common sense. State law even spells it out, saying a public entity or its representatives "may not ask for the motive or reason for requesting the records or for the identity of the person requesting records."*

*Not everybody sees it that way. A proposal in the North Dakota Legislature seeks to change the law so that a person requesting a public record must give their name and provide personal contact information." It's [House Bill 1198](#), introduced by Rep. Mike Lefor, R-Dickinson.*

*Our advice to lawmakers: Don't do this. Just wad it up and toss it.*

But now comes the interesting part. Representative Mike Lefor, who is also the House majority leader, [has introduced House Bill 1446](#) which on the surface level sort of sounds like a good idea - requiring tenured professors to do more to attract students to colleges. But then when you dig deeper into the bill, you see some strange language, specifically Item 4c in Section 1 of the bill:

- c. Further the best interests of the institution including providing advice and shared governance to campus leaders, and exercising mature judgment to avoid inadvertently harming the institution, especially in avoiding the use of social media or third-party internet platforms to disparage campus personnel or the institution.

This sounds like an attempt to muzzle anyone who might have the inclination to act as a whistleblower. Given the history of scandals at Dickinson State University (which is my alma mater, by the way), and the fact that [the Diploma Mill scandal](#) was eventually uncovered due to DSU faculty acting as whistleblowers making reports to

members of the media and myself - this has a strong perception of being an effort to shut down dissent and silence those who do not want to go along with bad policies and behaviors.

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In fact, one such faculty member is not remaining silent and secret, [according to this Dickinson Press article](#):

*The bill, introduced by House Majority Leader Representative Mike Lefor, (R-Dickinson), seeks to create a pilot program focused on campus models currently in practice at Bismarck State College and Dickinson State University, with the goal of improving the tenure process across the state system by refocusing on the responsibilities of tenured faculty members.*

*According to the bill, tenured faculty members would be evaluated based on their ability to generate tuition or grant revenue, adherence to current and future policies and procedures, and effectiveness in teaching and advising students. The bill prohibits tenured faculty members from engaging in activities that do not align with the institution's best interests.*

*However, the bill has received backlash from the academic community, with some calling it an “anti-whistleblower bill in disguise” and raising concerns over the potential infringement on academic freedom and the legal rights of tenured faculty.*

The article goes on to quote Dr. Eric Grabowsky, a professor at the university, and the current advisor for the campus College Republicans group.

*Dr. Eric Grabowsky, an Associate Professor of Communication at Dickinson State University, in speaking with The Dickinson Press said he believes that House Bill 1446 is a very real threat to the freedoms and responsibilities that come with tenured professorship and could be used by centers of higher learning to silence whistleblowers and remove inconvenient checks and balances on the governance of higher education.*

*“From my point of view as a citizen, I encourage the public not to fall for House Bill 1446. Debates about tenure and the scope of tenure are legitimate. Colleges and universities need to be good stewards of resources,” he said. “People in North Dakota should know that there*

*are sometimes circumstances in which tenured faculty are uniquely situated to highlight and discuss problems involving academic integrity, overall management, retaliatory behavior or faulty procurement. Over the years, tenured faculty have raised important concerns regarding these types of areas across the North Dakota University System, including at Dickinson State University.”*

**Why does Dr. Grabowsky take issue with this? Because he’s been a whistleblower on yet another scandal at DSU that has gotten little to no coverage (I was not aware of it until he brought it to me.)**

*In 2021, internal documents, email communication and other records obtained through open records raised concerns with Dickinson State University’s procurement of a Wyoming-based company for instructional design.*

*A subsequent series of complaints forwarded to the Eide Bailly Fraud Hotline, between Feb. 26 and May 4, 2021, prompted an investigation into the allegations of improper procurement by Dickinson State University by the North Dakota University System. Their conclusions found that DSU’s procurement “was in violation of at least seven laws...” and “the allegations regarding improper procurement for Instructional Design were supported by the investigation.”*

**Grabowsky goes on to say:**

*“With the privileges of tenure, a person who is tenured is involved in the proper stewardship of public resources. The freedom that goes with tenure extends into proactive communication about the quality of the management and direction of a college or university, which can necessarily involve criticism of university administrators. Persons from across the political spectrum should oppose House Bill 1446,” Grabowsky said. “Workforce development and resource allocation are certainly important matters. Scrutinize tenure, for sure. Discuss and debate policies, guided by sound principles. However, we should not let such legitimate areas of focus provide legislative cover for a quick route out the door for tenured faculty who might inconveniently help to provide important checks and balances on the overall governance of higher education.”*

Grabowsky added, “Through my conversations about House Bill 1446, I can say that some people are getting the sense that this bill is an anti-whistleblower bill in disguise.”

Over the last two years, several cases of academic freedom violations, including the firing of two faculty members at Collin College in McKinney, TX, for speaking out against their institution's COVID-19 reopening plans have shined new light on how university's handle dissenting voices coming from within. At the University of Mississippi, a well-respected history professor was dismissed for speaking out against powerful donors with “racist beliefs.” Another case at Pacific University in Forest Grove, OR, involved a tenured professor, Richard J. Paxton, who was suspended without proper procedure.

These incidents have been closely monitored by organizations such as the American Association of University Professors, which works to protect the academic freedom rights of educators.

“Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition,” a statement from the AAUP reads. “Tenure is a means to certain ends; specifically freedom of teaching and research and of extramural activities, and a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.”

According to the AAUP's Statement of Principles on Academic Freedom and Tenure, “College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations.”

House Bill 1446, according to Lefor, will move to the next phase of the legislative process in a hearing in three weeks at a date and time yet to be determined.

**There is clearly yet another problem at DSU, and instead of remedying those problems, legislators from that district are bringing forth legislation that was silence**

those who would help the public and taxpayers know what is going on.

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Republicans talk about “academic freedom” a lot.

In 2017, **State Representative Rick Becker** introduced an “academic freedom” bill, which was **House Bill 1329** in the 2017 session. It passed the House by a vote of 65-25, but only got 7 yes votes in the Senate.

Perhaps if we want to retain good talent and staff, we should not make laws telling them to shut their mouths when there are problems. We should be encouraging public employees to speak up and then address the problems.

*(Note: in the name of transparency, I would mention I have personally submitted my name for consideration for the openings on the State Board of Higher Education.)*

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