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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Faculty tenure duties and responsibilities - Pilot program.

In response to the urgent need to accelerate workforce development, the state board of higher education shall implement a four-year pilot program focused on the two new campus models at Bismarck state college, now a polytechnic college, and Dickinson state university, now a dual-mission university, no later than May 1, 2023, to improve the tenure process. The pilot program may not apply to a research university. A tenured faculty member employed at an institution of higher education under the control of the state board of higher education shall:

1. Generate more tuition or grant revenue than the combined total of the salary, fringe benefits, compensation, and other expenses of the tenured faculty member plus all other costs of employing the faculty member, including employment taxes. The compensation costs of a tenured faculty member must be adjusted to reflect the faculty member's assumption of administrative responsibilities and related lessening of the faculty member's teaching responsibilities, where applicable.

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

3. Effectively teach and advise a number of students approximately equal to the average campus faculty teaching and advising load.
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4. Engage in measurable and effective activities to:
   a. Help recruit and retain students for the institution.
   b. Help students achieve academic success.
   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.

5. Perform all other duties outlined in any applicable contract and position description.

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

Faculty tenure review by presidents of institutions of higher education.

1. The president of each institution of higher education under the control of the state
   board of higher education may review performance of any or all of the duties and
   responsibilities under section 1 of this Act of any faculty member holding tenure at any
   time the president deems a review is in the institution's best interest.

2. A review under subsection 1 may include a written assessment of whether the faculty
   member is complying with the duties and responsibilities reviewed.

3. If a president determines a tenured faculty member has failed to comply with a duty or
   responsibility of tenure, the president may not renew the contract of the tenured faculty
   member, unless the president specifically articulates why it is in the interest of the
   institution to continue to employ the faculty member despite the faculty member's
   failure to comply with the duties and responsibilities of tenure.

4. The president of an institution may enlist the assistance of an administrator at the
   institution to conduct a review but may not delegate responsibility for the review to a
   faculty member who is not an administrator.

5. When conducting a review under this section, the president of an institution may
   assess and review other factors relevant to the faculty member's employment and the
   interests of the institution and the institution's students.

6. A review under this section is not appealable or reviewable by a faculty member or
   faculty committee. The president is subject to review and assessment by the state
commissioner of higher education and the state board of higher education for the
reviews the president conducts under this section.

7. The president and any administrators delegated to assist the president shall fulfill
these duties without fear of reprisal or retaliation. No complaint, lawsuit, or other
allegation is allowed against a president or other administrator for actions taken
pursuant to these provisions.

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