



April 23, 2021

**Open Letter to North Dakota Governor Doug Burgum
Veto SB2030**

Honorable Governor Burgum,

In my role as NDSU Faculty Senate President, and on behalf of the Faculty Senate Executive Committee, I am urging you with utmost consideration to exercise your state constitutional prerogative and veto legislative act SB2030 as passed by both chambers of the ND State Legislature. Although faculty members appreciate the funding SB2030 provides, it is reasonable to assert they feel threatened by its legislative overreach. This is because SB2030 infringes on the principle of academic freedom, which is protected under the [First Amendment of the U.S. Constitution](#), [Article I, Section 4 of the North Dakota Constitution](#) and [North Dakota Century Code Chapter 15-10.4](#). The bill is an unveiled act of political retaliation against NDSU in particular, motivated by a number of lawmakers' aversion to research conducted at our institution that touches on their moral sensibilities. This kind of political infringement on freedom of inquiry and pursuit of scientific truth cannot be tolerated in a free and open society.

As an NDSU alumnus, you have experienced first-hand the tangible and intangible rewards of an academic environment at our institution unencumbered by blatant political interference. Generations of students, prior and following your academic preparation at NDSU, have enjoyed the same opportunities to engage in research and learning along faculty who, as expert professionals in their chosen disciplines, have guided them in embracing, exploring and producing knowledge in all its forms. Today, we stand on the precipice of these noble endeavors being curtailed through legislative interference that, if left unchecked, will gravely damage higher education in our state for the foreseeable future. This punitive measure against NDSU today will unravel throughout our state's entire university system tomorrow, as lawmakers will have figured out a way to apply legislative pressure on higher education institutions, and coerce them into submission to conduct research and teaching legislators find acceptable.

There can be no doubt that this precedent-setting action, if left standing, will reverberate negatively throughout NDUS for decades to come. It will make our higher education institutions subservient to the political whims of legislators, no longer enjoying the autonomy to engage in unimpeded research. Is North Dakota ready to confront the grand societal, technological and environmental challenges of tomorrow, which require innovative and evidence-based research, if its universities' ability to conduct scientific inquiry and to prepare the experts of the future is dictated by non-expert politicians who might find particular research areas controversial? Will our institutions be able to retain and recruit reputable faculty members if they cannot pursue

their career goals in North Dakota? Will our next generations of students be able to learn in a thought-provoking, idea-rich, vibrant and creative environment, if their professors will be politically censored in what and how they can teach? These are some of the questions I am inviting you to ponder, given the somber future our university system is facing should this bill now awaiting your signature be enacted.

To date, our faculty members have made their dissent publicly known through two [Faculty Senate Resolutions](#), two [Open Letters](#) and [Committee Testimony](#). Beyond NDSU, opposition to this legislative action has resulted in two [Council of College Faculties Resolutions](#), a [petition](#) that thus far has garnered in excess of 1,400 signatures from across NDUS (half of them from students), a recent [rally for academic freedom](#), and much unflattering media attention for North Dakota at [local](#) and [national](#) levels. Unfortunately, it appears that the overwhelming opposition to these unpopular measures has not swayed the legislators to reverse course.

Although the deleterious effects of SB2030 have been described at length in the venues mentioned above, they warrant a brief reminder here. SB2030 restricts academic freedom by conditioning state appropriations for and imposing punitive measures on institutions conducting research legislators find objectionable. This principle is protected both at NDUS level via [SBHE Policies 401.1](#) and [605.1](#), and through institutional-level policies within NDUS (at NDSU, [Policy 325](#)), all of which clearly prohibit political influence on academic freedom. For example, SBHE Policy 401.1, Section 2, unequivocally establishes academic freedom as the “...*freedom, without institutional, political, or other outside pressure or restraint, to explore any avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern...*” and ensures that “*faculty members shall be free to involve interested students or other professionals in their scholarship or research and to pursue funding from internal or external sources to support it.*” Similarly, NDSU Policy 352, Section 1 states that academic freedom “*provides a safe haven for the expression of diverse points of view by faculty, students and guests of the University, free from interference by administrators, SBHE members or other government officials.*” Importantly, SBHE Policy 605.1, Section 1 affirms that an institution “*cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method.*”

Political interference in academic freedom and governmental restrictions on university autonomy are usually associated with autocratic societies. As evidenced by the [Academic Freedom Index](#), the more repressive a political regime is, the more academic freedom suffers. We like to think of our society as one that cherishes the untrammelled exchange of ideas, regardless of how controversial they might be. I fear this legislative action is putting our society on a dangerous path, tinkering uncomfortably with authoritarian impulses contrary to the democratic norms on which it was founded.

Governor Burgum, it is now your burden and duty to remedy this misguided and alarming legislative situation. How you respond will signal whether North Dakota believes in increasing government censorship or truly values the protection of academic freedom enshrined in state

law, along with the benefits that derive from it to all North Dakotans. Consequently, I respectfully urge you to veto SB2030 to safeguard this fundamental principle for current and future generations of faculty, students and citizens of our state.

Respectfully,



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Faculty Senate Executive Committee Members

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