



NDSA-22-2021

A Resolution Supporting Amendments to SBHE Policy 503.1

WHEREAS, the North Dakota Student Association (NDSA) represents the voice of North Dakota’s 45,000 public college and university students; and,

WHEREAS, the purpose of NDSA is to represent all students enrolled in the North Dakota University System (NDUS) and advocate on issues of higher education in support of access, affordability, quality, and the student experience; and,

WHEREAS, on February 20th, 2021 the NDSA General Assembly (GA) passed NDSA-20-2021: “A Resolution in Opposition to HB 1503 as Written”; and,

WHEREAS, NDSA-20-2021 opposed specific language of HB 1503¹, a bill presented to the North Dakota legislature intended to protect the free speech of North Dakota students; and,

WHEREAS, the GA concluded that aspects of the bill, specifically sections 4(a-c), 5(e), and 5(h), would make the bill more harmful rather than helpful to North Dakota students; and,

WHEREAS, the link to NDSA-20-2021, where the NDSA’s concerns are fully outlined, can be found in the footnotes²; and,

WHEREAS, the NDSA has always been an ardent supporter and protector of students’ first amendment right to free speech in the North Dakota University System (NDUS); and,

WHEREAS, in response to HB 1503, the NDUS has developed amendments³ to State Board of Higher Education (SBHE) Policy 503.1: “Student Free Speech and Expression” that continue to protect student free speech while addressing and respecting the NDSA’s outlined concerns with HB 1503; and,

WHEREAS, the amendments would define student-on-student harassment in a way that would allow NDUS institutions to take preventative action before any harassment has become so severe that a student is denied access to education, while HB 1503 would not allow such preventative action, in addition to protecting all students, not just those students who qualify as part of a protected class; and,

WHEREAS, the amendments would ensure the SBHE and NDUS are in compliance with federal rules that require the protection and fair treatment of organizations who mandate that their organization’s leaders and members adhere to the organization’s viewpoints and sincerely held beliefs; and,

WHEREAS, the amendments would remove an existing rule that allows institutions to impose security fees on students, faculty, or student organizations who have brought a guest speaker or event to campus that may incite protest and/or require additional security forces; and,

¹ <https://www.legis.nd.gov/assembly/67-2021/documents/21-0929-03000.pdf>

² <https://ndsa.ndus.edu/wp-content/uploads/sites/5/2021/02/NDSA-20-2021.pdf>

³ [Proposed Amendments to SBHE Policy 503.1](#)



WHEREAS, the current policy explicitly states that the SBHE “recognizes that students have a fundamental right to free speech and expression under the First Amendment to the United States Constitution and Article I, Section 4 of the North Dakota Constitution, and as a result the SBHE and institutions under its control shall ensure that students have the freedom to speak, write, listen, challenge, learn, and discuss any issue, subject to reasonable and constitutionally-recognized limitations,” and outlines those reasonable and constitutionally-recognized limitations; and,

WHEREAS, the NDUS has not received a formal complaint about student free speech violations in over twelve years, in large part thanks to the continuous monitoring and revising – when deemed necessary – of free speech policies in order to ensure they best protect students; and,

WHEREAS, the NDSA has historically always been consulted on changes to SBHE policy that directly affect student free speech; and,

WHEREAS, the NDSA wishes to continue this relationship and provide input on the proposed amendments to SBHE Policy 503.1; so,

THEREFORE, BE IT RESOLVED, that the North Dakota Student Association supports the proposed amendments to SBHE Policy 503.1: Student Free Speech and Expression, both on their own merits and as an alternative to HB 1503; and,

THEREFORE, BE IT FURTHER RESOLVED, that the North Dakota Student Association thanks the North Dakota University System and State Board of Higher Education for their consistent support of North Dakota students and for their continued dedication to ensuring that students are involved in the conversations on policy changes, such as free speech policies and political activities policies, that have a direct and influential impact on students.

Approved by the NDSA General Assembly on Saturday, March 27th, 2021.