Sixty-fifth
Legislative Assembly
of North Dakota

Introduced by

Representatives Rich S. Becker, Delmore, Guggisberg, M. Johnson, Longmuir, McWilliams

Senators Campbell, Krebsbach, Kreun, J. Lee

A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to exempting information regarding individuals applying for certain positions under the authority of the state board of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Certain higher education employment applications - Exempt records.

1. As used in this section, "hiring authority" means the individual or group of individuals with the authority to hire or screen applicants or candidates for the position of commissioner of higher education or a president, vice president, provost, dean, athletic director, or head coach at an institution under the control of the state board of higher education.

2. Except as otherwise provided in this section, a record that would identify an individual applying for or under consideration for employment or appointment as the commissioner of higher education or a president, vice president, provost, dean, athletic director, or head coach at an institution under the control of the state board of higher education is an exempt record as defined in section 44-04-17.1. The hiring authority shall disclose the number of applicants or candidates for a position covered by this section.

3. Once the hiring authority reduces the number of applicants or candidates to three or fewer finalists for a position, the hiring authority shall notify each applicant or candidate remaining under consideration that any record relating to the applicant or candidate will become an open record within fourteen days unless the applicant or candidate elects to withdraw from consideration for the position. If an applicant or
candidate elects to withdraw from consideration for the position, any record relating to
that individual remains an exempt record.

4. If the hiring authority considers a new applicant or candidate after reducing the
number of applicants or candidates to three or fewer finalists for a position, any record
relating to the new applicant or candidate and any record relating to any finalist for the
position which has not already become an open record is an exempt record for up to
fourteen days after the hiring authority accepts the application of the new applicant or
includes the new candidate for consideration. No later than seven days after
acceptance of the application of the new applicant or inclusion of the new candidate,
the hiring authority shall notify each applicant or candidate remaining under
consideration that any record relating to the applicant or candidate will become an
open record within seven days unless the applicant or candidate elects to withdraw
from consideration for the position.

5. A hiring authority that is a public entity may enter an executive session under section
44-04-19.2 to consider or discuss the application or candidacy of an applicant or
candidate whose records are exempt under this section.