

**2015 HOUSE EDUCATION**

**HB 1408**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Pioneer Room, State Capitol

HB 1408  
1/27/2015  
22672

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Donna Whelan*

## Explanation or reason for introduction of bill/resolution:

To provide an appropriation to the state board of higher education for employee training regarding requirements of federal gender discrimination laws.

Attachment # 1

**Minutes:** **Chairman Nathe:** opened the hearing on HB 1408

**Representative Hawken:** District 46 in Fargo, introduced HB 1408. When I think of title 9 I think of girls and sports, but as important as that piece is there is a lot of discussion about harassment and assault. Universities need to train their employees on how to handle these situations. This kind of training is extremely important and can save the state of North Dakota a lot of money if we can avoid situations and law suits.

**Becky Lamboley:** North Dakota University System, Director of Student Affairs(4:08)-(7:02) (See Attachment #1). In support of HB 1408 with amendments proposed.

**Chairman Nathe:** You are asking for money to develop the federal program, have you asked for federal money?

**Becky Lamboley:** That is a good question? We know the direction but I have not found any funding. There is campuses being investigated by the federal government including ours.

**Chairman Nathe:** Higher Ed can't find \$50,000 dollars out of their budget to do this?

**Becky Lamboley:** I am not an expert on the budget. Right now there is zero funding set aside for anything like this.

**Chairman Nathe:** So at this time the employees get the employee handbook and read it, do they have to sign off on that so you know they read it? Is there any other training given?

**Becky Lamboley:** No none. The federal requirements are that every employee receive training on an annual basis. So currently it is a mass e-mail and you click yes you read it.

**Rep. Meier:** You support the policies for the 11 institutes in the state. Are the policies all the same?

**Becky Lamboley:** We have given specific guidelines and used the federal template for what the policies are, but the language might vary from campus to campus.

**Rep. Meier:** The language can vary, and can they set forth their own policies as well.

**Becky Lamboley:** Yes.

**Rep. Zubke:** Some of the sexual harassment policies have been out there for a long time, that the training has been handled by handing them a handbook and they sign off that they read it.

**Becky Lamboley:** Yes, a lot of it is on an honor system and some campuses have done a video to make it more interactive.

**Rep. Zubke:** The state board of Higher Ed has the authority to change that or enforce that to a stricter degree already does it not?

**Becky Lamboley:** Yes, we do have the capability to change our current board policies.

**Rep Ben Koppelman:** Do you favor the bill without the amendment?

**Becky Lamboley:** Yes.

**Rep. Ben Koppelman:** Would you favor an amendment that would not have a fiscal note on it and just directs the University system to provide adequate training to their employees.

**Becky Lamboley:** Without resources how could we do more. We want to step up to the plate and do what the federal government would like us to do. Without the fiscal note there is not much more we can do?

**Rep. Ben Koppelman:** What is the penalty is from the federal government and if this is of high importance why isn't it in the Higher Education budget?

**Becky Lamboley:** If the federal government finds a violation we could lose our funding and with that accreditation. We will continue to scrape along but we feel this is an important issue.

**Chairman Nathe:** It is an important issue, but why doesn't the University System raise it on their list and fund it?

**Becky Lamboley:** I feel that it is an important issue, we continue to work on this issue.

**Chairman Nathe:** If it is a top priority it would have been funded.

**Rep Olson:** Is the North Dakota University currently under investigation by the federal government?

**Becky Lamboley:** One of our campuses was openly investigated by the federal government in 2014 to review a specific sexual assault case, but we don't have the results yet.

**Rep Olson:** We would be interested in getting those results.

**Becky Lamboley:** I will check on that and bring back any information.

**Rep. Schreiber Beck:** Have you checked with other regions how this has been done or is this just a North Dakota situation?

**Becky Lamboley:** Yes we have, to see what has worked, especially with the border states.

**Chairman Nathe:** Any more support? Seeing none. Any opposition to 1408? None.  
Closed the hearing on HB 1408.

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22701

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Committee Clerk Signature

*Donna Whetnam*

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To provide an appropriation to the state board of higher education for employee training regarding requirements of federal gender discrimination laws.

Attachment #

## Minutes:

**Chairman Nathe:** opened the hearing on HB 1408.

**Rep Schreiber Beck:** **Moved Do Not Pass.**

**Rep. Olson:** **Seconded**

**Rep Dennis Johnson:** I thought the hearing should have been to the Board of Higher Education than to the House Education committee.

**Chairman Nathe:** I agree. It should have been in their budget.

**Rep Hunsakor:** Is there other funding for the purpose of this bill?

**Chairman Nathe:** I just thought they could have found it in their budget and made a higher priority of it.

**Rep Ben Koppelman:** I'm not sure there isn't money for this already.

**Chairman Nathe:** That is a discussion in their own office or in appropriations when they develop their budgets.

**Rep. Olson:** This seems to be in response to the fact they are being currently investigated by the federal government. We have no results to look at.

**Rep Rohr:** Just because they are being audited doesn't mean they are doing something wrong. They could have been a random selection.

**A Roll Call Vote was taken. Yes: 11 No: 0 Absent:2**

**Rep. Koppleman: Will carry the bill.**

Date: 1-28-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1408**

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep Schreiber Beck Seconded By Rep Olson

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe	✓		Rep. Hunskor	✓	
Vice Chairman Schatz	✓		Rep. Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Mock	A	
Rep. B. Koppelman	✓				
Rep. Looyesen	✓				
Rep. Meier	A				
Rep. Olson	✓				
Rep. Rohr	✓				
Rep. Schreiber Beck	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep Koppelman

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1408: Education Committee (Rep. Nathe, Chairman) recommends DO NOT PASS**  
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1408 was placed on the  
Eleventh order on the calendar.

**2015 TESTIMONY**

**HB 1408**

#1  
HB 1408

1/27/15

## HB1408

House Education Committee

January 27, 2015

Becky Lambolely, NDUS Director of Student Affairs

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Chair and Committee Members: my name is Becky Lambolely, and I am Director of Student Affairs for the North Dakota University System. My role includes the responsibility of assisting our eleven campuses in upholding federal laws regarding gender discrimination and responding accordingly when these laws have been violated. In other words, I have the honor of advocating for our students. When our students arrive on our campus, we want them to feel welcomed no matter who they are or where they are in their self-discovery process. We want them to know that they are safe and that they have resources available to them should their personal identity or safety ever be threatened or violated. The State Board of Higher Education and the North Dakota University System feels strongly that House Bill 1408 supports this goal.

We have been working tirelessly to ensure that our campuses have the appropriate policies, procedures, and resources necessary to appropriately respond to gender discrimination, especially sexual misconduct. We have developed a system-wide Title IX compliance kit, a grievance checklist and flow chart, and next week 182 of us will gather to learn more about the sexual assault investigation process. But as I share with you some of the efforts we have been taking to ensure our compliance with federal gender discrimination laws, I can't help but think about what is missing. Prevention.

What would it look like to have 48,000 students graduate from our campuses having never once experienced gender discrimination? What do we need to do to make this happen?

We need to educate our employees. Research is beginning to inform us of which training programs are proven to be effective, but we lack the funding to purchase these tools and tailor them to our specific needs. Without the funding that House Bill 1408 would provide, many of our campuses are limited to providing training by asking employees to read through policies, procedures, and resources on their own. We're capable of so much more, and House Bill 1408 would provide us with the resources we need to achieve our full potential. Should this bill be passed we are left lacking in only one area, providing training to our students, which is why I would like to recommend that we amend the bill so that the funding could be used for both employee and student training.

The State Board of Higher Education and the North Dakota University System recommends a DO PASS of House Bill 1408, with the amendment I mentioned a moment ago, and we greatly appreciate your hard work and support in addressing this important issue.