Proposed CCF resolution:

The Council of College Faculties, recognized as entity of faculty governance acting on behalf and representing the interests of the North Dakota University System (NDUS) Faculty, affirm the following RESOLUTION concerning the oath to the North Dakota State Constitution as a condition of employment:

WHEREAS the North Dakota Century Code Section 15-10-13.2 requires that “every faculty member employed by an institution of higher education under the control of the state board of higher education shall take the following oath or affirmation: “I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.”

WHEREAS the PREAMBLE of the Constitution of the state of North Dakota states that: “We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution.”

WHEREAS Article 11, Section 28 of the Constitution of the state of North Dakota states that “Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.”

WHEREAS N.D.C.C. Section 15-10-13.2 requires that “Every member of the academic staff at university system institutions, before entering upon the discharge of their duties, shall execute the oath or affirmation.”

WHEREAS the North Dakota State Constitution contains apparent contradictions to the United States Constitution, specifically those reflected to the First Amendment (separation of Church and State) and the Fourteenth Amendment (Equal Protection Under the Law), which may consequently violate the rights of United States Citizens.

WHEREAS individuals signing the oath may do so capriciously and under dominant pressure to secure employment, may later be found guilty of misrepresentation, and have their employment contracts null and void.

WHEREAS the North Dakota University System is committed to diversity and inclusion, as reflected in nondiscriminatory employment policies throughout its 11 institutions.

NOW, THEREFORE, BE IT RESOLVED that any oath or affirmation to support the North Dakota Constitution required as a condition of employment shall include a statement that the individual employee or potential employee has the right to make a "conscientious objection" to that oath, and provide space for an individual to do so as part of the contract or separate oath/affirmation paperwork.
BE IT FURTHER RESOLVED that all advertisements for open faculty or academic positions at any of the 11 institutions of higher education in North Dakota include an informed consent statement that contains the following specific language: “As a condition of employment, the University of North Dakota requires United States Citizens to make an oath or affirmation of support the Constitution of the United States of America and to the Constitution of the State of North Dakota. The following link is provided for you to review the Constitution of the State of North Dakota: http://www.legis.nd.gov/constitution.”

BE IT FURTHER RESOLVED that employment practices at the 11 institutions of higher education in North Dakota shall provide a stronger measure of informed consent for the exact nature of what is required of new employees, thereby allowing greater freedom to reflect and conscientiously object to the aforementioned content in the North Dakota Constitution and as a condition of employment.

Valley City State University (March 4, 2015)
VCSU Faculty Senate met on March 4, 2015. The Oath Issue was addressed during the Faculty Senate meeting on February 19th, and representatives were to report feedback on March 4th. VCSU has no feedback to report.

Minot State University (March 4, 2015)
During the last Faculty Senate meeting on March 4, 2015 the Minot State Faculty Senate unanimously approved the following resolution: “We (Faculty Senate) disapprove of the requirement to sign the oath, and we would like more time to determine an appropriate course of action.”

Williston State College (March 3, 2015)
The Faculty Senate of Williston State College, representing the faculty members of the college, affirms the following statements regarding the Oath to support the Constitution of North Dakota that is required as a condition of employment by the state of North Dakota.
WHEREAS an affirmation to “support” a Constitution would include a positive view towards means of amending and evolving the document and does not require that person to agree with every single statement within the Constitution,
WHEREAS the United States Constitution trumps the North Dakota Constitution when covering the same topic,
WHEREAS any current employee has the right to quit their job for any reason that they may have, and
WHEREAS no potential employee can be compelled to take employment under conditions – including oaths or affirmations – to which potential employee cannot make as matters of conscience:
THEREFORE, we see no need for a “conscientious objection” statement to be included, and
THEREFORE, BE IT RESOLVED that all advertisements for open faculty or academic positions at any of the 11 institutions of higher education in North Dakota include an informed consent statement that contains the following specific language: “As a condition of employment, the University of North Dakota requires United States Citizens to make an oath or affirmation of support the Constitution of the United States of America and to the Constitution of the State of
North Dakota. The following link is provided for you to review the Constitution of the State of North Dakota: http://www.legis.nd.gov/constitution.”

**Dakota College in Bottineau (February 19, 2015)**
I brought this issue to our faculty senate yesterday right after our meeting. In general if was felt that the problem needs to be fixed. General comments: “conscientious objection” is not a solution if in fact there is a contradiction Constitution of the United States and the Constitution of the state of North Dakota. Acknowledgement by NDUS and State of North Dakota of the potential contradiction stated in the contract would be a better short-term solution until it is resolved.

**Mayville State University (February 12, 2015)**
The Mayville State University faculty is not ready to take a stand on the subject. This has only resurfaced in the past week and there has not been time to take it to the individual divisions. I do not feel that I can vote for any resolution at this time.

It is fine to bring the subject up now for discussion. However, there are questions I have before I am comfortable make a vote for MaSU:

1. Since the oath is a part of the ND Century Code it is a matter of having a change in the law, something that cannot be changed until the next legislative session. It cannot be overturned or altered by changing NDUS policy, no matter what we might think about it.
2. Is our goal to change the whole policy or alter it to add a conscientious objector clause?
3. Perhaps another way to look at this is---Why are faculty required to make this oath in the first place? We are not elected officials; we are employees.

We have waited this long, let’s do it right.

**Lake Region State College (February 6, 2015)**
LRSC’s faculty senate voted months ago to support the creation of a conscientious objector clause, when a vote was originally requested at a CCF meeting. I do hope other campuses will vote on this soon, so that we can demonstrate a measure of solidarity on this issue.

**North Dakota State University (May 12, 2014)**
Faculty Senate Minutes
Fargo, ND 58108 North Dakota State University May 12, 2014
Attachment 14
Some wording taken from UND University Senate resolutions from 01 May 2014

Resolution on required oath for NDSU Faculty
WHEREAS North Dakota Century Code Section 15-10-13.2 requires that “every faculty member employed by an institution of higher education under the control of the state board of higher education shall take the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.”
WHEREAS Section 28 of the Constitution of the state of North Dakota states that “Marriage consists only of the legal union between a man and a woman. No other
domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.”

WHEREAS NDSU is committed to diversity and inclusion as reflected in our nondiscrimination policy.

NOW, THEREFORE, BE IT RESOLVED that NDSU’s Faculty Senate proposes that any oath or affirmation to support the North Dakota Constitution (required as a condition of employment) include a statement that the individual employee or potential employee has the right to make a "conscientious objection" to that oath and space for an individual to do so as part of the contract or separate oath/affirmation paperwork.

BE IT FURTHER RESOLVED that NDSU’s Faculty Senate encourages that online application for open faculty or academic positions at NDSU contain the following specific language:

“As a condition of employment, North Dakota State University requires United States Citizens to make an oath or affirmation of support the Constitution of the United States of America and to the Constitution of the State of North Dakota. The following link is provided for you to review the Constitution of the State of North Dakota: http://www.legis.nd.gov/constitution.”

University of North Dakota (May 1, 2014)

Motion 1:
We move and urge that the Provost of the University of North Dakota and the Council of College Faculties review the proposal that any oath or affirmation to support the North Dakota Constitution (required as a condition of employment) include a statement that the individual employee or potential employee has the right to make a "conscientious objection" to that oath specifically related to the separation of church and state and equal protection under the law, and space for an individual to do so as part of the contract or separate oath/affirmation paperwork.

Motion 2:
We move and urge that the Provost and VPSMHS consider that all advertisements for open faculty or academic positions at the University of North Dakota contain the following specific language: “As a condition of employment, the University of North Dakota requires United States citizens to make an oath or affirmation of support of the Constitution of the United States of America and to the Constitution of the State of North Dakota. The following link is provided for you to review the Constitution of the State of North Dakota: http://www.legis.nd.gov/constitution.”

The passages in the centenial code:
15-10-13.2. Public institutions of higher education - Faculty members - Oath or affirmation.
1. Before entering upon the discharge of duties, every faculty member employed by an institution of higher education under the control of the state board of higher education shall take the following oath or affirmation:
I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.
2. The faculty member shall execute the oath or affirmation in duplicate. One copy of the oath or affirmation must be filed with the state board of higher education. The faculty member shall retain the other copy.

15-10-13.3. Public institutions of higher education - Alien faculty members - Oath or affirmation.
Before entering upon the discharge of duties, an individual who is not a citizen of the United States but who is a faculty member employed by an institution of higher education under the control of the state board of higher education shall take an oath or affirmation to support the institutions and policies of the United States during the period of the individual's employment within the state.

**NDUS Policies and procedures:**

**SUBJECT:** 600s: Personnel  
**EFFECTIVE:** April 18, 2002

**Section:** 610 Oaths for Teachers

Every member of the academic staff at university system institutions, before entering upon the discharge of their duties, shall execute the oath or affirmation required by N.D.C.C. section 15-10-13.2. The oath shall be executed in duplicate and one copy shall be filed at the institution and one copy given to the academic staff member.

**STATUTORY REFERENCE:** N.D.C.C. §15-10-13.2.

**History:**
Replaces Article III, Section 1(D), page III-1.
Amendment SBHE Minutes, June 7-8, 1984, page 5256.
Amendment SBHE Minutes, November 18-19, 1999.
Amendment SBHE Minutes, April 18, 2002.