

Testimony of the State of Kansas Conference of the AAUP

10 February 2025

Committee Members: I appreciate your allowing testimony on this most important matter this afternoon.

My name is Ron Barrett-Gonzalez. I am the Committee A Co-Chair of the State of Kansas Conference of the American Association of University Professors.

The KSAAUP is alarmed by HB 2348, which should be named: "Bill to Take Property and Due Process Rights from Educators and Hurt the People of Kansas." We see this bill as being fundamentally flawed:

- i. The bill, as proposed, is specifically introduced not to advance any noble cause or item of great interest to the taxpayer, but to address directly a case which is currently being litigated before the U.S. District Court of Kansas. HB 2348 is specifically structured to address property interests and rights of faculty members which courts have consistently ruled are covered by the Fifth and Fourteenth Amendments of the U.S. Constitution and the due process rights granted therein. Judge Julie Robinson of the U.S. District Court for the District of Kansas, (in Case No. 23-4056-JAR-GEB) mentions property rights and interests of faculty members no less than 24 times in her 5 December 2024 ruling. The KSAAUP believes that it would be inappropriate for the Legislature to attempt to interfere with a case before the court, especially as the case is being actively heard and has not been through the appeal process;
- ii. The principal author of HB 2348, Steven Lovett, has a personal stake in the Bill as he is a named defendant in the litigation, giving him a gross conflict of interest;
- iii. The bill, if passed, will effectively take the property rights of thousands of faculty members from more than 30 institutions all across the state without compensation or due process;
- iv. Such a stripping of rights will mean that faculty members across the State will have no tenure-related due process protections, which in turn will very adversely affect both national rankings and accreditation of all postsecondary educational institutions;
- v. Schools of Law which rely upon accreditation by the American Bar Association (ABA) stand to become unaccredited as the very definition of tenure is threatened, but demanded by the ABA;
- vi. Schools of Engineering which rely upon accreditation by the Accreditation Board for Engineering and Technology (ABET) also stand to become unaccredited as the very definition of tenure under HB 2348 is incompatible with accepted ABET norms;
- vii. Entire institutions like K-State, Wichita State and Fort Hays may lose Higher Learning Commission accreditation because such accreditation places specific demands on tenure;
- viii. Aside from a loss of accreditation, national reputations will be catastrophically harmed, making it essentially impossible to recruit quality faculty members, which in turn would collapse enrollments;
- ix. The loss of quality faculty members means that the people of the State of Kansas will have to send their children out of state to receive a quality education and thereby be employable in today's highly competitive job markets;
- x. Medical schools like those at the KU Medical Center stand not only to lose accreditation, quality faculty and national ranking, but would quite likely lose National Cancer Center designations, thereby threatening the very lives of many Kansans;
- xi. This bill is economically irresponsible. Not only will it likely cause additional costly and time-consuming litigation (it notably removes the due process protections for those with vested tenure or currently tenured faculty), but it will harm companies that depend upon skilled employees who are trained at post-secondary institutions in Kansas.

In short, this bill could bring about very serious and lasting harm to the people of the State of Kansas all to advance a short-sighted attempt to meddle in an issue which is squarely before the courts.