

By: Senator(s) McDaniel

To: Universities and  
Colleges

SENATE BILL NO. 2785

1 AN ACT TO PROHIBIT STATE INSTITUTIONS OF HIGHER LEARNING FROM  
 2 AWARDING TENURE OR ENTERING EMPLOYMENT CONTRACTS OF MORE THAN FOUR  
 3 YEARS DURATION WITH EMPLOYEES HIRED AFTER DECEMBER 31, 2023; TO  
 4 TERMINATE EXISTING TENURE PROGRAMS WHEN NO COVERED EMPLOYEES  
 5 REMAIN EMPLOYED BY THE INSTITUTION; TO PROVIDE BEGINNING WITH THE  
 6 2025-2026 SCHOOL YEAR ALL FULL-TIME FACULTY AND TENURED FACULTY AT  
 7 PUBLIC INSTITUTIONS OF HIGHER LEARNING SHALL TEACH AT LEAST TWO  
 8 UNDERGRADUATE CLASSES IN THE FALL AND SPRING SEMESTERS EACH YEAR,  
 9 AND TO PROVIDE AN EXCEPTION FOR FACULTY EMPLOYED IN DEPARTMENTS OR  
 10 SCHOOLS ONLY OFFERING GRADUATE DEGREES; AND TO PROVIDE CERTAIN  
 11 RELATED REPORTING REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER  
 12 LEARNING AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER  
 13 LEARNING; TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972, IN  
 14 CONFORMITY; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) A state institution of higher learning in  
 17 this state may not award tenure to, or enter into an employment  
 18 contract for a period longer than four (4) years with, a person  
 19 hired by the institution after December 31, 2023. A tenure system  
 20 in effect at a public institution of higher learning on December  
 21 1, 2023, shall terminate when there are no faculty members covered  
 22 by the system who remain employed by the institution. An  
 23 employment contract shall include a provision allowing the  
 24 institution to dismiss the employee prior to the expiration date



25 of the contract if the institution determines that the employee  
26 has violated policies specifically listed as reasons for  
27 termination.

28 (2) (a) Beginning with the 2025-2026 school year, all  
29 full-time or tenured college faculty employed at a public  
30 institution of higher learning shall teach at least two (2)  
31 undergraduate or graduate courses in both the fall and spring  
32 semesters of each academic year, except for faculty members  
33 employed by departments or schools only offering graduate degrees.  
34 As a condition of employment, a state institution of higher  
35 learning may require faculty to teach additional courses in the  
36 spring, fall or any other designated academic term.

37 (b) Beginning July 31, 2026, and every year thereafter,  
38 state institutions of higher education shall report the following  
39 information regarding the previous academic year to the Board of  
40 Trustees of State Institutions of Higher Learning:

41 (i) The number of full-time faculty employed by  
42 the institution;

43 (ii) The number of full-time faculty who have  
44 received tenure;

45 (iii) The number of part-time faculty, including  
46 adjunct instructors or employees; and

47 (iv) The number of graduate assistants employed by  
48 the institution, including the number of classes taught by each  
49 assistant.



50 (c) The Board of Trustees of State Institutions of  
51 Higher Learning shall:

52 (i) Create a reporting system for a state  
53 institution of higher learning to use in fulfilling the reporting  
54 requirements; and

55 (ii) Compile an annual report containing the  
56 information for each institution received pursuant to paragraph  
57 (a) of this subsection and provide this report to the Governor,  
58 the Lieutenant Governor and the Speaker of the House of  
59 Representatives before September 1 annually.

60 **SECTION 2.** Section 37-101-15, Mississippi Code of 1972, is  
61 amended as follows:

62 37-101-15. (a) The Board of Trustees of State Institutions  
63 of Higher Learning shall succeed to and continue to exercise  
64 control of all records, books, papers, equipment, and supplies,  
65 and all lands, buildings, and other real and personal property  
66 belonging to or assigned to the use and benefit of the board of  
67 trustees formerly supervising and controlling the institutions of  
68 higher learning named in Section 37-101-1. The board shall have  
69 and exercise control of the use, distribution and disbursement of  
70 all funds, appropriations and taxes, now and hereafter in  
71 possession, levied and collected, received, or appropriated for  
72 the use, benefit, support, and maintenance or capital outlay  
73 expenditures of the institutions of higher learning, including the  
74 authorization of employees to sign vouchers for the disbursement



75 of funds for the various institutions, except where otherwise  
76 specifically provided by law.

77 (b) The board shall have general supervision of the affairs  
78 of all the institutions of higher learning, including the  
79 departments and the schools thereof. The board shall have the  
80 power in its discretion to determine who shall be privileged to  
81 enter, to remain in, or to graduate therefrom. The board shall  
82 have general supervision of the conduct of libraries and  
83 laboratories, the care of dormitories, buildings, and grounds; the  
84 business methods and arrangement of accounts and records; the  
85 organization of the administrative plan of each institution; and  
86 all other matters incident to the proper functioning of the  
87 institutions. The board shall have the authority to establish  
88 minimum standards of achievement as a prerequisite for entrance  
89 into any of the institutions under its jurisdiction, which  
90 standards need not be uniform between the various institutions and  
91 which may be based upon such criteria as the board may establish.

92 (c) The board shall exercise all the powers and prerogatives  
93 conferred upon it under the laws establishing and providing for  
94 the operation of the several institutions herein specified. The  
95 board shall adopt such bylaws and regulations from time to time as  
96 it deems expedient for the proper supervision and control of the  
97 several institutions of higher learning, insofar as such bylaws  
98 and regulations are not repugnant to the Constitution and laws,  
99 and not inconsistent with the object for which these institutions



100 were established. The board shall have power and authority to  
101 prescribe rules and regulations for policing the campuses and all  
102 buildings of the respective institutions, to authorize the arrest  
103 of all persons violating on any campus any criminal law of the  
104 state, and to have such law violators turned over to the civil  
105 authorities.

106 (d) For all institutions specified herein, the board shall  
107 provide a uniform system of recording and of accounting approved  
108 by the State Department of Audit. The board shall annually  
109 prepare, or cause to be prepared, a budget for each institution of  
110 higher learning for the succeeding year which must be prepared and  
111 in readiness for at least thirty (30) days before the convening of  
112 the regular session of the Legislature. All relationships and  
113 negotiations between the State Legislature and its various  
114 committees and the institutions named herein shall be carried on  
115 through the board of trustees. No official, employee or agent  
116 representing any of the separate institutions shall appear before  
117 the Legislature or any committee thereof except upon the written  
118 order of the board or upon the request of the Legislature or a  
119 committee thereof.

120 (e) For all institutions specified herein, the board shall  
121 prepare an annual report to the Legislature setting forth the  
122 disbursements of all monies appropriated to the respective  
123 institutions. Each report to the Legislature shall show how the  
124 money appropriated to the several institutions has been expended,



125 beginning and ending with the fiscal years of the institutions,  
126 showing the name of each teacher, officer, and employee, and the  
127 salary paid each, and an itemized statement of each and every item  
128 of receipts and expenditures. Each report must be balanced, and  
129 must begin with the former balance. If any property belonging to  
130 the state or the institution is used for profit, the reports shall  
131 show the expense incurred in managing the property and the amount  
132 received therefrom. The reports shall also show a summary of the  
133 gross receipts and gross disbursements for each year and shall  
134 show the money on hand at the beginning of the fiscal period of  
135 the institution next preceding each session of the Legislature and  
136 the necessary amount of expense to be incurred from said date to  
137 January 1 following. The board shall keep the annual expenditures  
138 of each institution herein mentioned within the income derived  
139 from legislative appropriations and other sources, but in case of  
140 emergency arising from acts of providence, epidemics, fire or  
141 storm with the written approval of the Governor and by written  
142 consent of a majority of the senators and of the representatives  
143 it may exceed the income. The board shall require a surety bond  
144 in a surety company authorized to do business in this state of  
145 every employee who is the custodian of funds belonging to one or  
146 more of the institutions mentioned herein, which bond shall be in  
147 a sum to be fixed by the board in an amount that will properly  
148 safeguard the said funds, the premium for which shall be paid out  
149 of the funds appropriated for said institutions.



150 (f) The board shall have the power and authority to elect  
151 the heads of the various institutions of higher learning and to  
152 contract with all deans, professors, and other members of the  
153 teaching staff, and all administrative employees of said  
154 institutions for a term not exceeding four (4) years. The board  
155 shall have the power and authority to terminate any such contract  
156 at any time for malfeasance, inefficiency, or contumacious  
157 conduct, but never for political reasons. It shall be the policy  
158 of the board to permit the executive head of each institution to  
159 nominate for election by the board all subordinate employees of  
160 the institution over which he presides. It shall be the policy of  
161 the board to elect all officials for a definite tenure of service  
162 and to reelect during the period of satisfactory service. The  
163 board shall have the power to make any adjustments it thinks  
164 necessary between the various departments and schools of any  
165 institution or between the different institutions. The board  
166 shall implement the provisions of this act relative to faculty  
167 employment contracts and phasing out all tenure programs for  
168 university faculty.

169 (g) The board shall keep complete minutes and records of all  
170 proceedings which shall be open for inspection by any citizen of  
171 the state.

172 (h) The board shall have the power to enter into an energy  
173 performance contract, energy services contract, on a  
174 shared-savings, lease or lease-purchase basis, for energy



175 efficiency services and/or equipment as prescribed in Section  
176 31-7-14.

177 (i) The Board of Trustees of State Institutions of Higher  
178 Learning, for and on behalf of Jackson State University, is hereby  
179 authorized to convey by donation or otherwise easements across  
180 portions of certain real estate located in the City of Jackson,  
181 Hinds County, Mississippi, for right-of-way required for the Metro  
182 Parkway Project.

183 (j) In connection with any international contract between  
184 the board or one (1) of the state's institutions of higher  
185 learning and any party outside of the United States, the board or  
186 institution that is the party to the international contract is  
187 hereby authorized and empowered to include in the contract a  
188 provision for the resolution by arbitration of any controversy  
189 between the parties to the contract relating to such contract or  
190 the failure or refusal to perform any part of the contract. Such  
191 provision shall be valid, enforceable and irrevocable without  
192 regard to the justiciable character of the controversy. Provided,  
193 however, that in the event either party to such contract initiates  
194 litigation against the other with respect to the contract, the  
195 arbitration provision shall be deemed waived unless asserted as a  
196 defense on or before the responding party is required to answer  
197 such litigation.

198 (k) The Board of Trustees of State Institutions of Higher  
199 Learning ("board"), on behalf of any institution under its





200 jurisdiction, shall purchase and maintain business property  
201 insurance and business personal property insurance on all  
202 university-owned buildings and/or contents as required by federal  
203 law and regulations of the Federal Emergency Management Agency  
204 (FEMA) as is necessary for receiving public assistance or  
205 reimbursement for repair, reconstruction, replacement or other  
206 damage to those buildings and/or contents caused by the Hurricane  
207 Katrina Disaster of 2005 or subsequent disasters. The board is  
208 authorized to expend funds from any available source for the  
209 purpose of obtaining and maintaining that property insurance. The  
210 board is authorized to enter into agreements with the Department  
211 of Finance and Administration, local school districts,  
212 community/junior college districts, community hospitals and/or  
213 other state agencies to pool their liabilities to participate in a  
214 group business property and/or business personal property  
215 insurance program, subject to uniform rules and regulations as may  
216 be adopted by the Department of Finance and Administration.

217 (1) The Board of Trustees of State Institutions of Higher  
218 Learning, or its designee, may approve the payment or  
219 reimbursement of reasonable travel expenses incurred by candidates  
220 for open positions at the board's executive office or at any of  
221 the state institutions of higher learning, when the job candidate  
222 has incurred expenses in traveling to a job interview at the  
223 request of the board, the Commissioner of Higher Education or a  
224 state institution of higher learning administrator.



225 (m) (i) The Board of Trustees of State Institutions of  
226 Higher Learning is authorized to administer and approve contracts  
227 for the construction and maintenance of buildings and other  
228 facilities of the state institutions of higher learning, including  
229 related contracts for architectural and engineering services,  
230 which are paid for with self-generated funds.

231 (ii) Additionally, the board is authorized to oversee,  
232 administer and approve contracts for the construction and  
233 maintenance of buildings and other facilities of the state  
234 institutions of higher learning, including related contracts for  
235 architectural and engineering services, which are funded in whole  
236 or in part by general obligation bonds of the State of Mississippi  
237 at institutions designated annually by the board as being capable  
238 to procure and administer all such contracts. Prior to the  
239 disbursement of funds, an agreement for each project between the  
240 institution and the Department of Finance and Administration shall  
241 be executed. The approval and execution of the agreement shall  
242 not be withheld by either party unless the withholding party  
243 provides a written, detailed explanation of the basis for  
244 withholding to the other party. The agreement shall stipulate the  
245 responsibilities of each party, applicable procurement  
246 regulations, documentation and reporting requirements, conditions  
247 prior to, and schedule of, disbursement of general obligation bond  
248 funds to the institution and provisions concerning handling any  
249 remaining general obligation bonds at the completion of the



250 project. Such agreement shall not include provisions that  
251 constitute additional qualifications or criteria that act to  
252 invalidate the designation of an institution as capable of  
253 procuring and administering such project. Inclusion of any such  
254 provisions may be appealed to the Public Procurement Review Board.  
255 This paragraph (ii) shall stand repealed from and after July 1,  
256 2025.

257           **SECTION 3.** This act shall take effect and be in force from  
258 and after July 1, 2022.

