

By: Senator(s) Hill

To: Universities and
Colleges

SENATE BILL NO. 2075

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, 2024; TO
4 TERMINATE EXISTING TENURE PROGRAMS WHEN NO COVERED EMPLOYEES
5 REMAIN EMPLOYED BY THE INSTITUTION; TO AMEND SECTION 37-101-15,
6 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** A state institution of higher learning in this
9 state may not award tenure to, or enter into an employment
10 contract for a period longer than four (4) years with, a person
11 hired by the institution after December 31, 2024. A tenure system
12 in effect at a public institution of higher learning on December
13 1, 2024, shall terminate when there are no faculty members covered
14 by the system who remain employed by the institution. An
15 employment contract shall include a provision allowing the
16 institution to dismiss the employee prior to the expiration date
17 of the contract if the institution determines that the employee
18 has violated policies specifically listed as reasons for
19 termination.



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

22 37-101-15. (a) The Board of Trustees of State Institutions
23 of Higher Learning shall succeed to and continue to exercise
24 control of all records, books, papers, equipment, and supplies,
25 and all lands, buildings, and other real and personal property
26 belonging to or assigned to the use and benefit of the board of
27 trustees formerly supervising and controlling the institutions of
28 higher learning named in Section 37-101-1. The board shall have
29 and exercise control of the use, distribution and disbursement of
30 all funds, appropriations and taxes, now and hereafter in
31 possession, levied and collected, received, or appropriated for
32 the use, benefit, support, and maintenance or capital outlay
33 expenditures of the institutions of higher learning, including the
34 authorization of employees to sign vouchers for the disbursement
35 of funds for the various institutions, except where otherwise
36 specifically provided by law.

37 (b) The board shall have general supervision of the affairs
38 of all the institutions of higher learning, including the
39 departments and the schools thereof. The board shall have the
40 power in its discretion to determine who shall be privileged to
41 enter, to remain in, or to graduate therefrom. The board shall
42 have general supervision of the conduct of libraries and
43 laboratories, the care of dormitories, buildings, and grounds; the
44 business methods and arrangement of accounts and records; the



45 organization of the administrative plan of each institution; and
46 all other matters incident to the proper functioning of the
47 institutions. The board shall have the authority to establish
48 minimum standards of achievement as a prerequisite for entrance
49 into any of the institutions under its jurisdiction, which
50 standards need not be uniform between the various institutions and
51 which may be based upon such criteria as the board may establish.

52 (c) The board shall exercise all the powers and prerogatives
53 conferred upon it under the laws establishing and providing for
54 the operation of the several institutions herein specified. The
55 board shall adopt such bylaws and regulations from time to time as
56 it deems expedient for the proper supervision and control of the
57 several institutions of higher learning, insofar as such bylaws
58 and regulations are not repugnant to the Constitution and laws,
59 and not inconsistent with the object for which these institutions
60 were established. The board shall have power and authority to
61 prescribe rules and regulations for policing the campuses and all
62 buildings of the respective institutions, to authorize the arrest
63 of all persons violating on any campus any criminal law of the
64 state, and to have such law violators turned over to the civil
65 authorities.

66 (d) For all institutions specified herein, the board shall
67 provide a uniform system of recording and of accounting approved
68 by the State Department of Audit. The board shall annually
69 prepare, or cause to be prepared, a budget for each institution of



70 higher learning for the succeeding year which must be prepared and
71 in readiness for at least thirty (30) days before the convening of
72 the regular session of the Legislature. All relationships and
73 negotiations between the State Legislature and its various
74 committees and the institutions named herein shall be carried on
75 through the board of trustees. No official, employee or agent
76 representing any of the separate institutions shall appear before
77 the Legislature or any committee thereof except upon the written
78 order of the board or upon the request of the Legislature or a
79 committee thereof.

80 (e) For all institutions specified herein, the board shall
81 prepare an annual report to the Legislature setting forth the
82 disbursements of all monies appropriated to the respective
83 institutions. Each report to the Legislature shall show how the
84 money appropriated to the several institutions has been expended,
85 beginning and ending with the fiscal years of the institutions,
86 showing the name of each teacher, officer, and employee, and the
87 salary paid each, and an itemized statement of each and every item
88 of receipts and expenditures. Each report must be balanced, and
89 must begin with the former balance. If any property belonging to
90 the state or the institution is used for profit, the reports shall
91 show the expense incurred in managing the property and the amount
92 received therefrom. The reports shall also show a summary of the
93 gross receipts and gross disbursements for each year and shall
94 show the money on hand at the beginning of the fiscal period of



95 the institution next preceding each session of the Legislature and
96 the necessary amount of expense to be incurred from said date to
97 January 1 following. The board shall keep the annual expenditures
98 of each institution herein mentioned within the income derived
99 from legislative appropriations and other sources, but in case of
100 emergency arising from acts of providence, epidemics, fire or
101 storm with the written approval of the Governor and by written
102 consent of a majority of the senators and of the representatives
103 it may exceed the income. The board shall require a surety bond
104 in a surety company authorized to do business in this state of
105 every employee who is the custodian of funds belonging to one or
106 more of the institutions mentioned herein, which bond shall be in
107 a sum to be fixed by the board in an amount that will properly
108 safeguard the said funds, the premium for which shall be paid out
109 of the funds appropriated for said institutions.

110 (f) The board shall have the power and authority to elect
111 the heads of the various institutions of higher learning and to
112 contract with all deans, professors, and other members of the
113 teaching staff, and all administrative employees of said
114 institutions for a term not exceeding four (4) years. The board
115 shall have the power and authority to terminate any such contract
116 at any time for malfeasance, inefficiency, or contumacious
117 conduct, but never for political reasons. It shall be the policy
118 of the board to permit the executive head of each institution to
119 nominate for election by the board all subordinate employees of



120 the institution over which he presides. It shall be the policy of
121 the board to elect all officials for a definite tenure of service
122 and to reelect during the period of satisfactory service. The
123 board shall have the power to make any adjustments it thinks
124 necessary between the various departments and schools of any
125 institution or between the different institutions. The board
126 shall implement the provisions of this act relative to faculty
127 employment contracts and phasing out all tenure programs for
128 university faculty.

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

132 (h) The board shall have the power to enter into an energy
133 performance contract, energy services contract, on a
134 shared-savings, lease or lease-purchase basis, for energy
135 efficiency services and/or equipment as prescribed in Section
136 31-7-14.

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

143 (j) In connection with any international contract between
144 the board or one (1) of the state's institutions of higher



145 learning and any party outside of the United States, the board or
146 institution that is the party to the international contract is
147 hereby authorized and empowered to include in the contract a
148 provision for the resolution by arbitration of any controversy
149 between the parties to the contract relating to such contract or
150 the failure or refusal to perform any part of the contract. Such
151 provision shall be valid, enforceable and irrevocable without
152 regard to the justiciable character of the controversy. Provided,
153 however, that in the event either party to such contract initiates
154 litigation against the other with respect to the contract, the
155 arbitration provision shall be deemed waived unless asserted as a
156 defense on or before the responding party is required to answer
157 such litigation.

158 (k) The Board of Trustees of State Institutions of Higher
159 Learning ("board"), on behalf of any institution under its
160 jurisdiction, shall purchase and maintain business property
161 insurance and business personal property insurance on all
162 university-owned buildings and/or contents as required by federal
163 law and regulations of the Federal Emergency Management Agency
164 (FEMA) as is necessary for receiving public assistance or
165 reimbursement for repair, reconstruction, replacement or other
166 damage to those buildings and/or contents caused by the Hurricane
167 Katrina Disaster of 2005 or subsequent disasters. The board is
168 authorized to expend funds from any available source for the
169 purpose of obtaining and maintaining that property insurance. The



170 board is authorized to enter into agreements with the Department
171 of Finance and Administration, local school districts,
172 community/junior college districts, community hospitals and/or
173 other state agencies to pool their liabilities to participate in a
174 group business property and/or business personal property
175 insurance program, subject to uniform rules and regulations as may
176 be adopted by the Department of Finance and Administration.

177 (l) The Board of Trustees of State Institutions of Higher
178 Learning, or its designee, may approve the payment or
179 reimbursement of reasonable travel expenses incurred by candidates
180 for open positions at the board's executive office or at any of
181 the state institutions of higher learning, when the job candidate
182 has incurred expenses in traveling to a job interview at the
183 request of the board, the Commissioner of Higher Education or a
184 state institution of higher learning administrator.

185 (m) (i) The Board of Trustees of State Institutions of
186 Higher Learning is authorized to administer and approve contracts
187 for the construction and maintenance of buildings and other
188 facilities of the state institutions of higher learning, including
189 related contracts for architectural and engineering services,
190 which are paid for with self-generated funds.

191 (ii) Additionally, the board is authorized to oversee,
192 administer and approve contracts for the construction and
193 maintenance of buildings and other facilities of the state
194 institutions of higher learning, including related contracts for



195 architectural and engineering services, which are funded in whole
196 or in part by general obligation bonds of the State of Mississippi
197 at institutions designated annually by the board as being capable
198 to procure and administer all such contracts. Prior to the
199 disbursement of funds, an agreement for each project between the
200 institution and the Department of Finance and Administration shall
201 be executed. The approval and execution of the agreement shall
202 not be withheld by either party unless the withholding party
203 provides a written, detailed explanation of the basis for
204 withholding to the other party. The agreement shall stipulate the
205 responsibilities of each party, applicable procurement
206 regulations, documentation and reporting requirements, conditions
207 prior to, and schedule of, disbursement of general obligation bond
208 funds to the institution and provisions concerning handling any
209 remaining general obligation bonds at the completion of the
210 project. Such agreement shall not include provisions that
211 constitute additional qualifications or criteria that act to
212 invalidate the designation of an institution as capable of
213 procuring and administering such project. Inclusion of any such
214 provisions may be appealed to the Public Procurement Review Board.
215 This paragraph (ii) shall stand repealed from and after July 1,
216 2025.

217 **SECTION 3.** This act shall take effect and be in force from
218 and after July 1, 2024.

