

By: Representative Newman

To: Universities and  
Colleges

HOUSE BILL NO. 160

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER  
3 LEARNING TO REQUIRE THE REVIEW OF TENURED PROFESSORS AT THE  
4 VARIOUS STATE INSTITUTIONS OF HIGHER LEARNING EVERY FIVE YEARS; TO  
5 PRESCRIBE THE COMPONENTS TO BE ADDRESSED IN THE REVIEW; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-101-15, Mississippi Code of 1972, is  
9 amended as follows:

10 37-101-15. (a) The Board of Trustees of State Institutions  
11 of Higher Learning shall succeed to and continue to exercise  
12 control of all records, books, papers, equipment, and supplies,  
13 and all lands, buildings, and other real and personal property  
14 belonging to or assigned to the use and benefit of the board of  
15 trustees formerly supervising and controlling the institutions of  
16 higher learning named in Section 37-101-1. The board shall have  
17 and exercise control of the use, distribution and disbursement of  
18 all funds, appropriations and taxes, now and hereafter in  
19 possession, levied and collected, received, or appropriated for  
20 the use, benefit, support, and maintenance or capital outlay



21 expenditures of the institutions of higher learning, including the  
22 authorization of employees to sign vouchers for the disbursement  
23 of funds for the various institutions, except where otherwise  
24 specifically provided by law.

25 (b) The board shall have general supervision of the affairs  
26 of all the institutions of higher learning, including the  
27 departments and the schools thereof. The board shall have the  
28 power in its discretion to determine who shall be privileged to  
29 enter, to remain in, or to graduate therefrom. The board shall  
30 have general supervision of the conduct of libraries and  
31 laboratories, the care of dormitories, buildings, and grounds; the  
32 business methods and arrangement of accounts and records; the  
33 organization of the administrative plan of each institution; and  
34 all other matters incident to the proper functioning of the  
35 institutions. The board shall have the authority to establish  
36 minimum standards of achievement as a prerequisite for entrance  
37 into any of the institutions under its jurisdiction, which  
38 standards need not be uniform between the various institutions and  
39 which may be based upon such criteria as the board may establish.

40 (c) The board shall exercise all the powers and prerogatives  
41 conferred upon it under the laws establishing and providing for  
42 the operation of the several institutions herein specified. The  
43 board shall adopt such bylaws and regulations from time to time as  
44 it deems expedient for the proper supervision and control of the  
45 several institutions of higher learning, insofar as such bylaws



46 and regulations are not repugnant to the Constitution and laws,  
47 and not inconsistent with the object for which these institutions  
48 were established. The board shall have power and authority to  
49 prescribe rules and regulations for policing the campuses and all  
50 buildings of the respective institutions, to authorize the arrest  
51 of all persons violating on any campus any criminal law of the  
52 state, and to have such law violators turned over to the civil  
53 authorities.

54 (d) For all institutions specified herein, the board shall  
55 provide a uniform system of recording and of accounting approved  
56 by the State Department of Audit. The board shall annually  
57 prepare, or cause to be prepared, a budget for each institution of  
58 higher learning for the succeeding year which must be prepared and  
59 in readiness for at least thirty (30) days before the convening of  
60 the regular session of the Legislature. All relationships and  
61 negotiations between the State Legislature and its various  
62 committees and the institutions named herein shall be carried on  
63 through the board of trustees. No official, employee or agent  
64 representing any of the separate institutions shall appear before  
65 the Legislature or any committee thereof except upon the written  
66 order of the board or upon the request of the Legislature or a  
67 committee thereof.

68 (e) For all institutions specified herein, the board shall  
69 prepare an annual report to the Legislature setting forth the  
70 disbursements of all monies appropriated to the respective



71 institutions. Each report to the Legislature shall show how the  
72 money appropriated to the several institutions has been expended,  
73 beginning and ending with the fiscal years of the institutions,  
74 showing the name of each teacher, officer, and employee, and the  
75 salary paid each, and an itemized statement of each and every item  
76 of receipts and expenditures. Each report must be balanced, and  
77 must begin with the former balance. If any property belonging to  
78 the state or the institution is used for profit, the reports shall  
79 show the expense incurred in managing the property and the amount  
80 received therefrom. The reports shall also show a summary of the  
81 gross receipts and gross disbursements for each year and shall  
82 show the money on hand at the beginning of the fiscal period of  
83 the institution next preceding each session of the Legislature and  
84 the necessary amount of expense to be incurred from said date to  
85 January 1 following. The board shall keep the annual expenditures  
86 of each institution herein mentioned within the income derived  
87 from legislative appropriations and other sources, but in case of  
88 emergency arising from acts of providence, epidemics, fire or  
89 storm with the written approval of the Governor and by written  
90 consent of a majority of the senators and of the representatives  
91 it may exceed the income. The board shall require a surety bond  
92 in a surety company authorized to do business in this state of  
93 every employee who is the custodian of funds belonging to one or  
94 more of the institutions mentioned herein, which bond shall be in  
95 a sum to be fixed by the board in an amount that will properly



96 safeguard the said funds, the premium for which shall be paid out  
97 of the funds appropriated for said institutions.

98 (f) The board shall have the power and authority to elect  
99 the heads of the various institutions of higher learning and to  
100 contract with all deans, professors, and other members of the  
101 teaching staff, and all administrative employees of said  
102 institutions for a term not exceeding four (4) years. The board  
103 shall have the power and authority to terminate any such contract  
104 at any time for malfeasance, inefficiency, or contumacious  
105 conduct, but never for political reasons. It shall be the policy  
106 of the board to permit the executive head of each institution to  
107 nominate for election by the board all subordinate employees of  
108 the institution over which he presides. It shall be the policy of  
109 the board to elect all officials for a definite tenure of service  
110 and to reelect during the period of satisfactory service. The  
111 board shall have the power to make any adjustments it thinks  
112 necessary between the various departments and schools of any  
113 institution or between the different institutions.

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

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



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

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

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

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



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

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



170 (m) (i) The Board of Trustees of State Institutions of  
171 Higher Learning is authorized to administer and approve contracts  
172 for the construction and maintenance of buildings and other  
173 facilities of the state institutions of higher learning, including  
174 related contracts for architectural and engineering services,  
175 which are paid for with self-generated funds.

176 (ii) Additionally, the board is authorized to oversee,  
177 administer and approve contracts for the construction and  
178 maintenance of buildings and other facilities of the state  
179 institutions of higher learning, including related contracts for  
180 architectural and engineering services, which are funded in whole  
181 or in part by general obligation bonds of the State of Mississippi  
182 at institutions designated annually by the board as being capable  
183 to procure and administer all such contracts. Prior to the  
184 disbursement of funds, an agreement for each project between the  
185 institution and the Department of Finance and Administration shall  
186 be executed. The approval and execution of the agreement shall  
187 not be withheld by either party unless the withholding party  
188 provides a written, detailed explanation of the basis for  
189 withholding to the other party. The agreement shall stipulate the  
190 responsibilities of each party, applicable procurement  
191 regulations, documentation and reporting requirements, conditions  
192 prior to, and schedule of, disbursement of general obligation bond  
193 funds to the institution and provisions concerning handling any  
194 remaining general obligation bonds at the completion of the





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

(n) The Board of Trustees of State Institutions of Higher Learning ("board") shall require all on-campus faculty and staff employed by, and all students attending, any of the state institutions of higher learning identified in Section 37-101-1 to be issued an identification badge in physical or electronic format. Any identification card issued or renewed pursuant to this section, whether physical or in an electronic format, shall include the words "Crisis Lifeline - Dial or Text 988, or chat 988lifeline.org" or like language for formatting purposes.

(o) The board shall have the power and authority to require each tenured faculty member of the various institutions of higher learning to undergo a comprehensive post-tenure review every five (5) years. The board may include other considerations in the tenure review process, but the review must address:

(i) Accomplishments and productivity;  
(ii) Assigned duties in research, teaching and service;



219                    (iii) Performance metrics, evaluations and  
220 ratings; and  
221                    (iv) Recognition and compensation considerations,  
222 as well as improvement plans and consequences for  
223 underperformance.

224            **SECTION 2.** This act shall take effect and be in force from  
225 and after July 1, 2025.

