

SUMMARY OF DRAFT LEGISLATION CREATING UNIVERSITY SYSTEM

This is draft legislation creating a university system for the 8 institutions of higher learning in the State of Mississippi. The present Board of Trustees of Higher Learning would be reconstituted as the Board of Governors for the State University System with budgeting and coordinating authority. The Board of Governors appoints a Chancellor of the State University System responsible for implementing the functions of the board. Each university would have a local Board of Trustees to manage and operate the individual university and appoint the president of that university. This reorganization legislation is conditioned upon the approval of an amendment to Section 213A of the Mississippi Constitution of 1890 by the voters at the November 2010 election, which would authorize the change in the management structure of the institutions of higher learning as indicated in this draft legislation.

SECTION 1. Amends Section 37-101-1. Establishes the state university system comprised of the 8 public universities in the State of Mississippi. A board of trustees shall administer each public university and a board of governors (formerly the IHL Board) shall govern the state university system.

SECTION 2. Amends Section 37-101-2 to conform.

SECTION 3. Amends Section 37-101-3. Reconstitutes the existing membership of the Board of Trustees of Institutions of Higher Learning as the Board of Governors of the State University System.

SECTIONS 4-8. Amends Sections 37-101-5 through 37-101-13 to conform.

SECTION 9. Amends Section 37-101-15.

(1) Defines the constitutional duties of the Board of Governors of the State University System. The Board of Governors is fully responsible for statewide leadership of the state university system which includes coordinating the universities, defining the mission of each university, defining the articulation of each university, submitting an annual budget request to the Legislature for the university system, accounting for expenditures of appropriations, approving postbaccalaureate-degree programs of each university and governing admissions requirements.

(2) Defines the constitutional duties of the Legislature relative to the state university system. The Legislature shall make "adequate" provision for the maintenance and operation of institutions of higher learning, appropriating all state funds for the support of the system, developing a funding formula for allocating funds among the 8 universities in consultation with the Board of Governors, establishing tuition and fees as recommended by the Board of Governors within ranges specifically authorized in subsection (6) (c) (iii), establishing general laws relating to the health and safety of students, employees and the public while present on the campuses.

(3) Defines in detail the specific powers, duties and rule-making authority of the Board of Governors relating to (a) general power, (b) organization and operation, (c) finance, (b) accountability, (e) guidelines for the contracting of all university presidents, deans, professors, instructors and administrative staff by the university boards of trustees for a period not exceeding 4 years, (f) property guidelines, (g) approval of new professional level or doctoral level university programs and any baccalaureate-degree programs exceeding 120 semester hours, and (h) compliance with state and federal laws by universities.

(4) Provides for the selection of a Chancellor of the State University System by the Board of Governors, and prescribes the responsibilities of the Chancellor, including budget preparation, representing the university system before the Legislature, and carrying out the functions of the Board of Governors.

(5) Provides for the membership of the individual university boards of trustees, to be comprised of 7 voting members: 4 citizen members appointed by the Governor subject to confirmation by the Senate, and 3 citizen members appointed by the Board of Governors subject to confirmation by the Senate; and the Chair of the faculty Senate and the president of the student body of the university to serve as nonvoting members. The members of each university board of trustees are appointed to 5-year staggered terms. Members serve without compensation but receive travel reimbursement. Each board of trustees is a public corporate body.

(6) Defines in detail the specific powers and duties of the university boards of trustees: (a) in general, each board of trustees is vested with the authority to govern and operate its university in accordance with law and with the guidelines of the Board of Governors; (b) each board of trustees constitutes the contracting agent of the university; (c) each board of trustees submits an institutional budget request to the Board of Governors which submits the university system budget to the Legislature. The bill includes authority for each university board of trustees to adjust tuition and mandatory fee amounts at a rate not to exceed 3% if the university's rate is

10% or less than the average amount of the peer universities, 4% if the university's rate is between 10-20% of the average amount of the peer universities, and 5% if the university's rate is more than 20% of the average amount of the peer universities [This authority is a delegation of the tuition authority of the Legislature]; (d) each board of trustees develops an accountability plan and maintains an information system; (e) each board of trustees is the contracting agent for the employment of all universities for a period not exceeding 4 years, pursuant to guidelines issued by the Board of Governors; (f) each board of trustees is given detailed authority to acquire real and personal property and commodities for the university, use and maintain university buildings, operate parking facilities, etc.; (g) each board of trustees is authorized to act as trustee to administer property given to the university in trust; (h-i) each board of trustees is responsible for performing any duties required by law or at the direction of the Board of Governors.

(7) Provides for the selection of the presidents of the 8 universities by the appropriate university board of trustees, and clarifies the president's responsibilities.

SECTIONS 10-17. Amends Sections 37-101-16 through 37-101-30 to conform.

SECTION 18. This act becomes effective on July 1, 2011, only in the event the electorate approves the amendment to Section 213A of the Mississippi Constitution of 1890 held in November 2010 which would authorize the establishment of the state university system in Mississippi.