

University of Central Arkansas

Conway, Arkansas

Enabling Legislation

The following legislation established the University of Central Arkansas (then known as Arkansas State Normal School) in 1907 and enabled its Board of Trustees to carry out legislative mandates and establish University policy. As such, it acts as the charter or articles of incorporation for the University and establishes the University's status as a non-profit, tax-exempt, governmental organization under both Arkansas law and IRS Code (Section 115(1)). For any questions regarding this legislation, please contact the University's General Counsel at (501) 852-5286.

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Title 6 Education
Subtitle 5. Postsecondary And Higher Education Generally
Chapter 67 **University of Central Arkansas**

A.C.A. § 6-67-101 (2012)

6-67-101. Establishment and purpose.

For the purposes of providing educational opportunities at the university level on a statewide basis and more adequately fulfilling its changing role as a multipurpose, comprehensive institution of higher learning, there is established and maintained an institution to be known as the **University of Central Arkansas**.

HISTORY: Acts 1907, No. 317, § 1, p. 762; C. & M. Dig., § 9586; Pope's Dig., § 13083; A.S.A. 1947, § 80-2601; [Acts 1992 \(1st Ex. Sess.\), No. 24, § 1](#); [1992 \(1st Ex. Sess.\), No. 25, § 1](#).

6-67-102. Board of Trustees of the University of Central Arkansas.

(a) There is created an honorary board constituting the Board of Trustees of the **University of Central Arkansas**, which is made and constituted a body politic and corporate.

(b) (1) The board shall consist of seven (7) members.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the board.

(3) The Secretary of State shall furnish a certificate to each board member within ten (10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days, and if the appointee shall fail to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(c) (1) Members of the board appointed by the Governor under the provisions of this section, in addition to possessing the qualifications of an elector, shall reside in the State of Arkansas.

(2) (A) The Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, Justices of the Supreme Court, and the director or employees of any state department, state agency, or state institution shall be ineligible for membership on the board provided for in this section during the time for which he or she was elected or appointed.

(B) No individual may be a member of more than one (1) of the boards created under the provisions of [§ 25-17-201](#) at the same time.

(d) (1) The term of office for each member shall commence on January 15 and shall end on January 14 of the seventh year following the year in which the regular term commenced.

(2) The Governor shall submit to the Senate for approval, on or before the fourteenth day following the commencement of each regular session of the General Assembly, the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. The members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until the appointments are rejected by the Senate.

(e) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board, and shall be thereafter effective until the expiration of the regular terms.

(f) Before entering upon his or her respective duties, the trustee shall make and subscribe to an affidavit to faithfully, diligently, and impartially discharge the duties of his or her office.

(g) (1) (A) There shall be one (1) regular meeting of the board each year, to be held within thirty (30) days after the close of commencement week.

(B) Called meetings may be held at the request of the president or of any two (2) members of the board if at least seven (7) days' written notice is given in advance to each member of the called meeting, except in cases of emergency, when three (3) days' notice is sufficient.

(2) The board shall elect from its members a chair who shall preside at the meetings of

the board, a vice chair who shall preside at the meetings of the board in the absence of the regular chair, and a secretary who shall keep the records of the meetings of the board. The secretary need not be a member of the board.

(3) A majority of the board shall constitute a quorum.

(4) Members of the board provided for in this section may receive expense reimbursement in accordance with [§ 25-16-901](#) et seq.

(h) (1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board, but the member removed or his or her successor shall have no right to vote on the question of removal.

(3) The removal action shall be filed with the Secretary of State together with a complete record of the proceedings at the hearing.

(4) (A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the appeal shall be tried de novo on the record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court, which shall likewise be tried de novo.

HISTORY: Acts 1907, No. 317, §§ 5, 6, p. 762; 1909, No. 100, § 5; C. & M. Dig., §§ 9590, 9591; Pope's Dig., §§ 13094, 13095; Acts 1941, No. 128, § 3; 1943, No. 1, §§ 2, 4-7; A.S.A. 1947, §§ 7-201, 7-203, 7-204 -- 7-206, 80-2606, 80-2607; [Acts 1997, No. 250, § 38](#); [2005, No. 891, § 1](#); No. 1994, § 393.

NOTES: A.C.R.C. Notes.

Pursuant to [§ 1-2-207](#), this section is set out as amended by [Acts 2005, No. 891, § 1](#). Subsection (f) of this section was also amended by [Acts 2005, No. 1994, § 393](#), to read as follows:

"(f) (1) Before entering upon his or her respective duties, each board member shall take and subscribe, and file in the office of the Secretary of State, an oath to support the United States Constitution and the Arkansas Constitution, to faithfully perform the duties of the office upon which he or she is about to enter, and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

"(2) (A) Any violation of the oath shall be a Class B misdemeanor.

"(B) Any contract entered into in violation of the oath shall be null and void."

Publisher's Notes.

Arkansas Constitution, Amendment 33, § 1, provided, in part, that the terms of office of seven-member boards are seven years.

Those provisions of Acts 1943, No. 1 which established honorary boards and commissions governing various state institutions are codified in full as [§ 25-17-201](#) et seq. and are codified with respect to particular institutions in this section and [§§ 6-43-101](#), 6-43-102, 6-65-103, 6-65-201, 6-65-202, 6-65-301, 6-65-302, 6-66-101, 6-66-102, 6-67-103.

Acts 1943, No. 1, § 7, provided, in part, that as soon as practicable after January 14, 1943, the board created by this section would meet, organize, elect their officers, and transact such other business as might come before the meeting.

Acts 1975, No. 3, § 2, provided, in part, that the Board of Trustees of the State College of Arkansas would thereafter be designated as the Board of Trustees of the **University of Central Arkansas**.

Acts 1975, No. 3, § 3, provided that nothing in the act would have the effect of making any change in the personnel or tenure of office of any member of the Board of Trustees of the State College of Arkansas. The section further provided that the Board of Trustees of the State College of Arkansas would continue to serve as members of the Board of Trustees of the **University of Central Arkansas as if the University of Central Arkansas** had been the school's name at the time of the appointment of the then-existing members of the board.

Amendments.

The 2005 amendment rewrote (f).

Cross References.

Semiannual meetings required, [§ 25-17-208](#).

6-67-103. Powers and duties of board.

(a) The Board of Trustees of the **University of Central Arkansas** created in [§ 6-67-102](#) is charged with the management and control of the **University of Central Arkansas**.

(b) The board shall have the power, authority, and duties formerly conferred by law on the board which it succeeds, including those set forth in this section.

(c) The board shall be charged with the liabilities of the corporate body which it succeeds.

(d) (1) The board shall:

(A) Have perpetual succession of officers and members;

(B) Have the right to use and keep a common seal and to alter the seal at will;

(C) Have the right to contract and be contracted with; and

(D) Have the right to own, purchase, sell, and convey property, real, personal, and mixed, and be authorized and empowered to receive and hold donations, devises, bequests, and legacies for the use and benefit of the institution, provided that all property purchased under the authority of this chapter shall be free from liens and encumbrances and that the title to the property as well as to any donation that the board may receive shall be taken in the name of the members of the board and shall become the property of the State of Arkansas.

(2) The board shall have full power and authority from time to time to make, constitute, and establish such bylaws, rules, and orders not inconsistent with law as to them seem necessary for the regulation, government, and control of themselves as trustees and all officers, teachers, and other persons by them employed in and about the university, all persons in the institution, and regarding limitations as to number of pupils to be admitted.

(3) The board shall fix and regulate tuition and all fees, costs, and other charges for attendance at the university.

(4) Admission requirements shall be established by the board, in accordance with policies adopted by the board, consistent with the laws and regulations of this state.

(5) The board shall have the authority to grant diplomas and degrees.

HISTORY: Acts 1907, No. 317, § 2, p. 762; C. & M. Dig., § 9587; Pope's Dig., § 13091;

Acts 1941, No. 128, § 1; 1943, No. 1, § 3; 1975, No. 3, § 2; A.S.A. 1947, § 7-202, 80-2602.2, 80-2605; [Acts 2003, No. 207, § 1](#).

NOTES: Publisher's Notes.

The board created by [§ 6-67-102](#) succeeded to the power, authority, and duties of the board which was charged with the management or control of Arkansas State Teachers College, and was charged with the liabilities of the corporate body it succeeded, which was abolished by Acts 1943, No. 1, § 1.

Acts 1975, No. 3, § 2 provided, in part, that the Board of Trustees of the **University of Central Arkansas** would possess all the rights, power and authority of the Board of Trustees of the State College of Arkansas, which was also known as Arkansas State Teachers College.

As to codification of Acts 1943, No. 1, see Publisher's Notes to [§ 6-67-102](#).

Amendments.

The 2003 amendment inserted present (d)(3) and (d)(4) and redesignated former (d)(3) as present (d)(5); and made minor stylistic changes.

Cross References.

Authorization for college extension courses, [§ 6-60-401](#) et seq.

Cooperative education program in state government, [§ 21-3-501](#) et seq.

Regulations as to establishment of branch campuses, [§ 6-61-303](#).

6-67-104. Participation in federal and state aid authorized.

In order to qualify for federal aid to education in its several phases and at different levels of training and activities, the **University of Central Arkansas** is designated and directed to provide for and to participate in the educational training activities which have been or may be designated, and in the funds appropriated therefor by the federal government, for the support of educational programs, for the improved preparation of teachers, both general and vocational, for transportation of children, for improved housing, for night schools, for noncredit educational service, for rural libraries, for vocational guidance, for experimentation and research, for educational planning and demonstrations, and such other federal and state funds as may be provided for the improvement of the administration and facilities of education in the schools of Arkansas at the elementary, secondary, and collegiate levels.

HISTORY: Acts 1943, No. 349, § 3.

6-67-105. Course of study.

The Board of Trustees of the **University of Central Arkansas** shall prescribe the course of study for the **University of Central Arkansas**.

HISTORY: Acts 1907, No. 317, § 9, p. 762; C. & M. Dig., § 9594; Pope's Dig., § 13098; A.S.A. 1947, § 80-2609.

6-67-106. Model school.

The Board of Trustees of the **University of Central Arkansas** may provide for the

establishment of a model school for practice in connection with the **University of Central Arkansas** and shall make the necessary regulations for the government and support of the model school.

HISTORY: Acts 1907, No. 317, § 8, p. 762; C. & M. Dig., § 9593; Pope's Dig., § 13097; A.S.A. 1947, § 80-2608; [Acts 2003, No. 207, § 2](#).

NOTES: Amendments.

The 2003 amendment substituted "may provide" for "shall provide" and made minor stylistic changes.

6-67-107. Selection of instructors and students.

The Board of Trustees of the **University of Central Arkansas** shall elect instructors and fix their salaries and determine the conditions, subject to limitations specified in this chapter, on which pupils shall be admitted to the privileges of the school, but no election shall be valid unless at least four (4) members of the board shall vote in favor of the applicant whose name is being considered.

HISTORY: Acts 1907, No. 317, § 9, p. 762; C. & M. Dig., § 9594; Pope's Dig., § 13098; A.S.A. 1947, § 80-2609.

6-67-108. [Repealed.]

NOTES: Publisher's Notes.

This section, concerning admissions requirements, was repealed by [Acts 2003, No. 207, § 3](#). The section was derived from Acts 1907, No. 317, § 11, p. 762; C. & M. Dig., § 9596; Pope's Dig., § 13100; A.S.A. 1947, § 80-2611.

6-67-109. [Repealed.]

NOTES: Publisher's Notes.

This section, concerning tuition and fees, was repealed by [Acts 2003, No. 207, § 4](#). The section was derived from Acts 1907, No. 317, §§ 8, 15, p. 762; C. & M. Dig., §§ 9593, 9600; Acts 1927, No. 26, § 4; Pope's Dig., §§ 13090, 13097, 13104; A.S.A. 1947, §§ 80-2604, 80-2608, 80-2615.

6-67-110. [Repealed.]

NOTES: Publisher's Notes.

This section, concerning scholarships, was repealed by Acts 1992 (1st Ex. Sess.), Nos. 24 and 25, § 2. The section was derived from Acts 1907, No. 317, § 10, p. 762; C. & M. Dig., § 9595; Pope's Dig., § 13099; A.S.A. 1947, § 80-2610.

6-67-111. Custodian of funds -- Payment of bills and accounts.

(a) The Treasurer of State shall be the custodian of the funds of the Board of Trustees of the **University of Central Arkansas**, and he or she shall pay out the funds of the institution only upon warrant issued by the Auditor of State.

(b) The Auditor of State shall issue warrants upon vouchers issued by the President of the Board of Trustees of the **University of Central Arkansas** and attested by the Secretary of the Board of Trustees of the **University of Central Arkansas**.

(c) All bills and accounts against the institution shall be made out and receipted in duplicate, and when forwarding the payroll and expense list each month, the president of the board shall forward one (1) set of such bills and vouchers to be filed in the office of the Auditor of State and kept for public inspection.

HISTORY: Acts 1907, No. 317, §§ 12, 13, p. 762; C. & M. Dig., §§ 9597, 9598; Pope's Dig., §§ 13101, 13102; A.S.A. 1947, §§ 80-2612, 80-2613.

6-67-112. Limitation of expenditures.

(a) It is made the duty of the Board of Trustees of the **University of Central Arkansas** to limit the number of teachers and their compensation and all the actual expenses thereof to the aggregate amount appropriated by the General Assembly for that purpose plus donations and bequests and the income that may be derived from the vested funds of the institution.

(b) All expenditures made by the board in excess of the funds mentioned in this section are declared unlawful and void.

HISTORY: Acts 1907, No. 317, § 14, p. 762; C. & M. Dig., § 9599; Pope's Dig., § 13103; A.S.A. 1947, § 80-2614.

NOTES: A.C.R.C. Notes.

[Acts 2010, No. 175, § 9](#), provided: "TUITION REIMBURSEMENT. The Board of Trustees of the **University of Central Arkansas** shall be authorized to reimburse tuition, fees, and other educational related expenses of current faculty who seek additional education levels that will benefit the university in meeting accreditation and professional standards. Reimbursement shall be authorized only when the reimbursement request has been documented by the institution to meet critical shortage instructional areas."

[Acts 2011, No. 1079, § 8](#), provided: "TUITION REIMBURSEMENT. The Board of Trustees of the **University of Central Arkansas** shall be authorized to reimburse tuition, fees, and other educational related expenses of current faculty who seek additional education levels that will benefit the university in meeting accreditation and professional standards. Reimbursement shall be authorized only when the reimbursement request has been documented by the institution to meet critical shortage instructional areas."

[Acts 2012, No. 150, § 8](#), provided: "TUITION REIMBURSEMENT. The Board of Trustees of the **University of Central Arkansas** shall be authorized to reimburse tuition, fees, and other educational related expenses of current faculty who seek additional education levels

that will benefit the university in meeting accreditation and professional standards. Reimbursement shall be authorized only when the reimbursement request has been documented by the institution to meet critical shortage instructional areas."

6-67-113. Payroll deductions.

The Board of Trustees of the **University of Central Arkansas** may permit deductions from the payrolls of university employees, if the employees authorize the deduction, for contributions to:

- (1) The **University of Central Arkansas** Foundation, Inc.; or
- (2) Other programs or services authorized by the board and provided by the university to its employees.

HISTORY: Acts 1989 (1st Ex. Sess.), No. 45, § 7; [2003, No. 207, § 5](#).

NOTES: A.C.R.C. Notes.

Former [§ 6-67-113](#), concerning the **University of Central Arkansas** Foundation, Inc. -- payroll deductions, is deemed to be superseded by this section. The former section was derived from Acts 1987, No. 695, § 7. A similar provision which was also codified as [§ 6-67-113](#), and was previously superseded, was derived from Acts 1985, No. 627, § 7. [Acts 2005, No. 2119, § 10](#), provided:

"MEMBERSHIP AUTHORIZATION. The Board of Trustees of the **University of Central Arkansas** is hereby authorized to enact voluntary payroll deductions for employees using on-campus programs and facilities. All such deductions shall be entirely voluntary in nature, shall require written authorization from each participant electing to use such deductions and shall not be made on a pre-tax basis. Nothing in this section shall be construed to reduce or eliminate the payroll regulations established elsewhere in Arkansas Statutes.

"The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007."

[Acts 2010, No. 175, § 7](#), provided: "MEMBERSHIP AUTHORIZATION.

The Board of Trustees of the **University of Central Arkansas** is hereby authorized to enact voluntary payroll deductions for employees using on-campus programs and facilities. All such deductions shall be entirely voluntary in nature, shall require written authorization from each participant electing to use such deductions and shall not be made on a pre-tax basis. Nothing in this section shall be construed to reduce or eliminate the payroll regulations established elsewhere in Arkansas Statutes.

"The provisions of this section shall be in effect only from July 1, 2010 through June 30, 2011."

[Acts 2011, No. 1079, § 7](#), provided: "MEMBERSHIP AUTHORIZATION.

The Board of Trustees of the **University of Central Arkansas** is hereby authorized to enact voluntary payroll deductions for employees using on-campus programs and facilities. All such deductions shall be entirely voluntary in nature, shall require written authorization from each participant electing to use such deductions and shall not be made on a pre-tax basis. Nothing in this section shall be construed to reduce or eliminate the payroll regulations established elsewhere in Arkansas Statutes.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

[Acts 2012, No. 150, § 7](#), provided: "MEMBERSHIP AUTHORIZATION.

The Board of Trustees of the **University of Central Arkansas** is hereby authorized to enact voluntary payroll deductions for employees using on-campus programs and facilities. All such deductions shall be entirely voluntary in nature, shall require written authorization from each participant electing to use such deductions and shall not be made on a pre-tax basis. Nothing in this section shall be construed to reduce or eliminate the payroll regulations established elsewhere in Arkansas Statutes.

"The provisions of this section shall be in effect only from July 1, 2012 through June 30, 2013."

Amendments.

The 2003 amendment inserted the subdivision (1) designation; inserted "if the employees authorize the deduction" in the introductory language; deleted "when authorized by university employees" following "Foundation, Inc.," in present (1); and added (2).

6-67-114. Biennial report to General Assembly.

(a) The Board of Trustees of the **University of Central Arkansas** shall biennially make a report to the General Assembly at the beginning of its regular session.

(b) The report shall be incorporated in the report of the Director of the Department of Education and shall set forth the financial and scholastic condition of the school, furnish such suggestions as in the board's judgment are necessary for the improvement of the university, and shall make any further recommendations that may seem wise and expedient to the board.

HISTORY: Acts 1907, No. 317, § 19, p. 762; C. & M. Dig., § 9602; Pope's Dig., § 13105; A.S.A. 1947, § 80-2616; [Acts 2009, No. 962, § 7](#).

NOTES: Amendments.

The 2009 amendment inserted "regular" preceding "session" in (a).