

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 857

4
5 By: Senators Broadway, Salmon, Bookout
6 By: Representatives J. Roebuck, Abernathy, M. Burris

For An Act To Be Entitled

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9
10 AN ACT TO REPEAL THE FACULTY/ADMINISTRATOR
11 DEVELOPMENT FELLOWS PROGRAM; AND FOR OTHER
12 PURPOSES.

Subtitle

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15 TO REPEAL THE FACULTY/ADMINISTRATOR
16 DEVELOPMENT FELLOWS PROGRAM.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 6, Chapter 63, Subchapter 4 is
22 repealed.

23 ~~6-63-401. Purpose.~~

24 ~~There are significantly lower percentages of faculty members and~~
25 ~~administrators than students who are in a racial minority at Arkansas state~~
26 ~~institutions of higher education. It is difficult for Arkansas state~~
27 ~~institutions of higher education to employ senior faculty and administrative~~
28 ~~employees who are in a racial minority, and there are severe shortages of~~
29 ~~financial aid for individuals pursuing doctoral degrees as full-time resident~~
30 ~~students. It is the purpose of this subchapter to assist state institutions~~
31 ~~of higher education in increasing the academic qualifications of minority~~
32 ~~faculty, administrative, and other employees and alumni through the~~
33 ~~establishment of the Faculty/Administrator Development Fellows program.~~

34
35 ~~6-63-402. Establishment.~~

36 ~~There is established a program to be known as "Faculty/Administrator~~



1 ~~Development Fellows” to be administered by the Department of Higher~~
 2 ~~Education.~~

3
 4 ~~6-63-403. Administration—Authority of department.~~

5 ~~The Department of Higher Education shall administer the matching~~
 6 ~~portions of the Faculty/Administrator Development Fellows program as provided~~
 7 ~~in this subchapter and shall have the following authority and responsibility~~
 8 ~~with respect to the programs:~~

9 ~~(1) To prepare application forms or such other forms as the~~
 10 ~~department shall deem necessary to properly administer and carry out the~~
 11 ~~purposes of this subchapter;~~

12 ~~(2) To establish such rules, regulations, definitions, and~~
 13 ~~procedures as are necessary and consistent with this subchapter and to~~
 14 ~~establish and consult as necessary with an advisory committee in determining~~
 15 ~~rules, regulations, definitions, and procedures for the administration of~~
 16 ~~these programs;~~

17 ~~(3) To select Faculty/Administrator Development Fellows from~~
 18 ~~those persons nominated by the Arkansas state institutions of higher~~
 19 ~~education pursuant to the provisions of this subchapter;~~

20 ~~(4) To establish the procedures for payment of matching funds;~~

21 ~~(5) To set one (1) or more termination dates for acceptance of~~
 22 ~~nominations; and~~

23 ~~(6) To determine numbers and amounts of fellowships under the~~
 24 ~~program and to allocate matching funds for the fellowships so that~~
 25 ~~expenditures will not exceed anticipated revenues and to determine such~~
 26 ~~prorations as are necessary in the event that anticipated revenues do not~~
 27 ~~materialize.~~

28
 29 ~~6-63-404. Matching funds.~~

30 ~~The matching funds provided by the Department of Higher Education for~~
 31 ~~each Faculty/Administrator Development Fellow shall equal half of the~~
 32 ~~fellowship budget as determined by the department unless anticipated state~~
 33 ~~revenues do not materialize, thus necessitating proportional proration.~~

34
 35 ~~6-63-405. Limitations.~~

36 ~~No institution may have more than four (4) persons receiving payments~~

1 ~~as Faculty/Administrator Development Fellows at any one (1) time.~~

2
3 ~~6-63-406. Eligibility and qualifications generally.~~

4 ~~(a) To qualify as a Faculty/Administrator Development Fellow, a person~~
5 ~~must be a member of a racial minority, a resident of Arkansas, and a citizen~~
6 ~~of the United States and be nominated by an Arkansas state institution of~~
7 ~~higher education and admitted to and enrolled as a full-time student in a~~
8 ~~doctoral program in a recognized institution of higher education.~~

9 ~~(b) In determining a nominee's eligibility for a fellowship and in~~
10 ~~selecting fellowship recipients from among the qualified nominees, the~~
11 ~~Department of Higher Education shall consider:~~

12 ~~(1) Each nominee's academic ability;~~

13 ~~(2) The quality of the program the individual will enter;~~

14 ~~(3) The extent to which the nominee represents a racial minority~~
15 ~~underrepresented in the department or category of employment at the~~
16 ~~sponsoring institution;~~

17 ~~(4) The probability that the nominee will be advanced in full-~~
18 ~~time employment as a faculty member or administrator at the sponsoring~~
19 ~~institution;~~

20 ~~(5) The amount of time anticipated for completion of the~~
21 ~~doctoral program; and~~

22 ~~(6) The relative costs of the fellowship for each nominee.~~

23 ~~(c) A Faculty/Administrator Development Fellow must enroll in a~~
24 ~~regionally accredited institution in a sound and recognized doctoral program~~
25 ~~which has specialized accreditation if such specialized accreditation is~~
26 ~~appropriate.~~

27 ~~(d) During the period that an individual is receiving the fellowship,~~
28 ~~he or she shall not be employed or accept payment for services rendered to~~
29 ~~any other employer. The individual may accept tuition and fee waivers,~~
30 ~~grants, scholarships, or other awards that do not constitute payment for~~
31 ~~services rendered.~~

32
33 ~~6-63-407. Levels of support.~~

34 ~~The Faculty/Administrator Development Fellow program shall provide~~
35 ~~different levels of support for current employees and alumni who are not~~
36 ~~current employees with appropriate different requirements and provisions for~~

1 ~~the two (2) types of fellows.~~

2
3 ~~6-63-408. Current faculty, administrator, and other employee~~
4 ~~participants.~~

5 ~~(a)(1) The Department of Higher Education shall provide matching funds~~
6 ~~to assist Arkansas state institutions of higher education in funding the~~
7 ~~assignment of selected faculty, administrators, and other employees who are~~
8 ~~in a racial minority to full time, in residence doctoral study at other~~
9 ~~institutions of higher education as Faculty/Administrator Development~~
10 ~~Fellows.~~

11 ~~(2) During the time of assignment as a Faculty/Administrator~~
12 ~~Development Fellow, a current employee shall remain a full time employee of~~
13 ~~the institution eligible for payment of salary and other fringe benefits~~
14 ~~provided by the institution for other employees.~~

15 ~~(b) For a current employee to qualify as a Faculty/Administrator~~
16 ~~Development Fellow, the person must be a full time employee of the sponsoring~~
17 ~~institution for two (2) years prior to beginning study as a fellow, under~~
18 ~~contract to return to the sponsoring institution as a full time employee for~~
19 ~~three (3) academic years immediately upon the completion of study under the~~
20 ~~fellowship, and meet the additional requirements outlined in § 6-63-406(a).~~

21 ~~(c)(1) Upon selection of a current employee as a Faculty/Administrator~~
22 ~~Development Fellow by the department, the sponsoring institution is~~
23 ~~authorized to make regular salary payments to the individual and to provide~~
24 ~~the individual with other fringe benefits provided by the institution for~~
25 ~~other employees.~~

26 ~~(2) In the event the assignment of an employee to full time~~
27 ~~resident doctoral study results in the need for a position for an employee to~~
28 ~~perform the duties previously performed by the fellow, the institution is~~
29 ~~authorized to establish an appropriate regular salary provisional position~~
30 ~~under the provisions of § 6-63-305 and such legislation as may amend or~~
31 ~~supersede that section.~~

32 ~~(d) Institutional salary payments to a fellow who is a current~~
33 ~~employee shall be on a biweekly, monthly, or other basis as is customary for~~
34 ~~salary payments at the sponsoring institution as long as the individual~~
35 ~~continues to meet the requirements for the fellowship and is making~~
36 ~~satisfactory progress toward completion of the doctoral program for which the~~

1 ~~fellowship was granted.~~

2 ~~(e) For the period of the fellowship, the salary paid a current~~
 3 ~~employee selected as a Faculty/Administrator Development Fellow shall be at~~
 4 ~~or above the salary earned prior to the fellowship.~~

5 ~~(f) A Faculty/Administrator Development Fellow who is a current~~
 6 ~~employee shall be responsible for tuition, fees, and all other costs related~~
 7 ~~to his or her program of study.~~

8
 9 ~~6-63-409. Alumni participants.~~

10 ~~(a)(1) The Department of Higher Education shall provide matching funds~~
 11 ~~to assist Arkansas state institutions of higher education in funding the~~
 12 ~~granting of fellowships to undergraduate or graduate alumni of the~~
 13 ~~institutions who represent a racial minority and hold unusual promise for~~
 14 ~~doctoral study and development into desirable faculty or administrators.~~

15 ~~(2) The fellowship award to alumni shall include a stipend~~
 16 ~~comparable to the higher stipends at the institution to be attended plus~~
 17 ~~tuition, fees, and books.~~

18 ~~(b) For an alumnus to qualify as a Faculty/Administrator Development~~
 19 ~~Fellow, the person must be an alumnus of the sponsoring institution and under~~
 20 ~~contract to return to the sponsoring institution as a full-time employee for~~
 21 ~~two (2) academic years immediately upon the end of study under the fellowship~~
 22 ~~and meet the additional requirements outlined in § 6-63-406(a).~~

23 ~~(c)(1) Upon selection of an alumnus as a Faculty/Administrator~~
 24 ~~Development Fellow by the department, the sponsoring institution is~~
 25 ~~authorized to make regular fellowship payments to the individual even though~~
 26 ~~the individual will not then be an employee of the institution.~~

27 ~~(2) Payment of the amount allocated for each semester or term~~
 28 ~~for a fellow who is an alumnus shall be made so that the portion for tuition~~
 29 ~~and fees is paid near the beginning of the semester or term and the stipend~~
 30 ~~portion is paid in equal monthly portions.~~

31
 32 ~~6-63-410. Written contract required.~~

33 ~~For each period that an individual is designated as a~~
 34 ~~Faculty/Administrator Development Fellow, there must be a formal, written,~~
 35 ~~signed contract between the fellow and the sponsoring institution specifying~~
 36 ~~the terms of his or her fellowship and containing the requirement that the~~

1 individual shall return to the sponsoring institution for the required period
 2 of full-time employment immediately following the end of study under the
 3 fellowship.

4
 5 ~~6-63-411. Duration—Distribution of funds.~~

6 Faculty/Administrator Development Fellows may be designated for one (1)
 7 academic year, but matching funds shall be equally allocated by the
 8 Department of Higher Education on a semester, trimester, or other reasonable
 9 academic calendar equivalent basis.

10
 11 ~~6-63-412. Renewal.~~

12 Faculty/Administrator Development Fellows designations may be renewed
 13 annually for a total of no more than three (3) years of graduate study if the
 14 fellow maintains not less than a 3.0 grade point average on a 4.0 scholastic
 15 grading scale, continues to meet other requirements of this subchapter, and
 16 is making satisfactory progress in the doctoral program for which the
 17 fellowship was awarded.

18
 19 ~~6-63-413. Postfellowship employment.~~

20 For the period of required full-time employment immediately after the
 21 fellowship, the salary paid the individual shall be the same as or above the
 22 salaries paid others who did not receive the fellowship but have similar
 23 qualifications and responsibilities at the sponsoring institution.

24
 25 ~~6-63-414. Termination of fellowship or employment.~~

26 Nothing contained in this subchapter shall limit the sponsoring
 27 institution's right to terminate a person's fellowship or employment during
 28 either the period of the fellowship or the three-year period of employment
 29 following the fellowship.

30
 31 ~~6-63-415. Repayment.~~

32 (a)(1) If a Faculty/Administrator Development Fellow does not return
 33 to the sponsoring institution or does not complete the required period of
 34 full-time employment immediately following the fellowship, the person shall
 35 repay a proportion of the full value of the fellowship equal to the
 36 proportion of the full-time employment obligation which the individual has

1 ~~not fulfilled.~~

2 ~~(2) In such an event, it shall be the responsibility of the~~
3 ~~sponsoring institution to collect the repayment due and refund the collected~~
4 ~~matching portion of the fellowship to the Department of Higher Education.~~

5 ~~(b) If the employment or payment of a fellowship to a~~
6 ~~Faculty/Administrator Development Fellow is terminated by the sponsoring~~
7 ~~institution during either the fellowship period or the required period of~~
8 ~~service, the individual is not responsible for repayment of the value of the~~
9 ~~fellowship.~~

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