



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

March 16, 2021

Dr. Alfred Rankins, Jr.
Commissioner of Higher Education
Mississippi Board of Trustees of State Institutions of Higher Learning
3825 Ridgewood Road, Suite 915
Jackson, Mississippi 39211

Re: University Sabbatical Pay

Dear Dr. Rankins:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

Does Mississippi Code Annotated Section 37-101-183 allow a public Mississippi university to pay a faculty member up to fifty percent of his or her annual salary during a one-semester sabbatical, and if that faculty member teaches the other semester, to pay fifty percent of such faculty member's salary for the semester in which they teach?

Brief Response

Yes. The plain language of Section 37-101-183 states that a faculty member granted sabbatical leave may be paid up to fifty percent of his or her annual salary, without regard to whether it is a one-semester or two-semester sabbatical. Nothing in Section 37-101-183 would prohibit a faculty member, who takes a one-semester sabbatical at half-salary, from receiving the other half of his or her salary that year for teaching and/or working at the university.

Applicable Law and Discussion

As an initial matter, opinions of the Attorney General can neither validate nor invalidate past action. Accordingly, our response to your request is prospective in nature only.

Your question essentially has two parts. The first part asks if a public Mississippi university may pay a faculty member up to fifty percent of his or her annual salary during a one-semester sabbatical. We look to the language of the statute, which states, in pertinent part:

Any members of the faculty of the state institutions of higher learning of the State of Mississippi shall be eligible for sabbatical leaves, for the purpose of professional improvement, for not more than two semesters immediately following any twelve or more consecutive semesters of active service in the institutions of higher learning of this state where such faculty member is employed or for not more than one semester immediately following any six or more consecutive semesters of such service. Absence on sick leave shall not be deemed to interrupt the active service herein provided for.

...

Each person granted sabbatical leave may receive and be paid compensation up to the rate of fifty per cent of such person's annual salary.

Miss. Code Ann. § 37-101-183.

It is well settled that "all words and phrases contained in the statutes are used according to their common and ordinary acceptation and meaning." Miss. Code Ann. § 1-3-65. Just as the Mississippi Supreme Court has stated,¹ we have also opined that "the rules of statutory construction need not be considered when the plain language of the statute is clear and unambiguous." MS AG Op., *Smith* at *3 (Sept. 29, 2017).

The language of Section 37-101-183 is clear and unambiguous. The plain language provides that any faculty member granted sabbatical leave pursuant to the statute may receive and be paid up to fifty percent of his or her annual salary. Thus, a university is authorized to pay a faculty member up to fifty percent of such faculty member's annual salary for sabbatical leave, whether it is a one- or two-semester sabbatical.

The second part of your question asks: if that faculty member teaches the other semester, may the university pay the remaining fifty percent of his or her annual salary for the semester in which he or she teaches? Section 37-101-183 is silent on compensation for the semester during which the faculty member is not on sabbatical. Thus, there is nothing in the statute that would prohibit a university from paying the remainder of the faculty member's annual salary for the non-sabbatical work the faculty member performs that year as long as the time he or she works merits that salary.²

The plain language of Section 37-101-183 informs our opinion that a university may pay a faculty member fifty percent of his or her annual salary during a one-semester sabbatical and that the university is not prohibited from paying the faculty member the remaining fifty percent of that annual salary for the non-sabbatical semester.

¹ "Before we engage in statutory interpretation, we look to the statute to determine whether interpretation is necessary, that is, whether the language is plain, unambiguous, and in need of no interpretation. If so, we need go no further." *Pat Harrison Waterway Dist. v. Cty. of Lamar*, 185 So. 3d 935, 946 (Miss. 2015).

² Any compensation paid to the faculty member for non-sabbatical work may also be subject to the terms and conditions of that individual's employment agreement, as well as policies enacted by individual universities and the Mississippi Board of Trustees of State Institutions of Higher Learning.

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If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Misty Monroe*

Misty Monroe
Special Assistant Attorney General

OFFICIAL OPINION