



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 23, 2026

Mark N. Halbert, Esq.
Attorney, Itawamba Community College Board of Trustees
105 E. Main Street, Suite 201
Tupelo, Mississippi 38804

Re: Community College Authority to Adopt Policies

Dear Mr. Halbert:

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

Background

According to your request, the Itawamba Community College (“ICC”) Board of Trustees (“Board”), the governing body for a public community college operating in accordance with Mississippi law, seeks an opinion regarding its authority to adopt certain policies for the College’s 2026 Fall semester.

Questions Presented

1. Does the Board possess the authority under Mississippi Code Annotated Section 29-5-161 to prohibit the use of tobacco products and all smoking materials, including electronic smoking or vaping devices on ICC property?
2. Does the Board have the authority to regulate firearm possession on ICC property consistent with and independent of Section 97-37-17?
3. Is the Board authorized under Mississippi law to enter or search college-owned or controlled property when it is in the best interest of the college or its community to do so?

Brief Response

1. Section 37-29-67’s broad authority provides the Board with the power to prohibit the use of tobacco products and all smoking materials, including electronic smoking or vaping devices, on ICC property so long as such policies do not otherwise conflict with Mississippi law. Such

authority includes the ability to implement policies that are stricter than the prohibitions set forth in Section 29-5-161.

2. Section 37-29-67's broad authority provides the Board with the power to regulate firearm possession on ICC property so long as such policies do not otherwise conflict with Mississippi law.
3. Section 37-29-67's broad authority provides the Board with the power to implement policies regarding the entering and searching of college-owned or controlled property when it is in the best interest of the college or its community so long as such policies do not otherwise conflict with Mississippi law.

Applicable Law and Discussion

We begin by noting that the lawfulness of any policy is not a determination that the Attorney General's office may make. *See* Miss. Code Ann. § 7-5-25 (authorizing the Attorney General to opine upon prospective matters of state law only).

Section 37-29-67 provides in relevant part:

(1) The duties of the board of trustees shall be the general government of the community/junior college and directive of the administration thereof. Subject to the provisions of Sections 37-29-1 through 37-29-273, the board shall have full power to do all things necessary to the successful operation of the district and the college or colleges or attendance centers located therein to ensure educational advantages and opportunities to all the enrollees within the district.

...

(3) The delineation and enumeration of the powers and purposes set out in Sections 37-29-1 through 37-29-273 shall be deemed to be supplemental and additional, and shall not be construed to restrict the powers of the board of trustees of the district or of any college located therein so as to deny to the said district and the college or colleges therein the rights, privileges and powers previously authorized by statute.

As shown, a "board of trustees' authority regarding the operation of a community college is broad." MS AG Op., *Davis* at *1 (Nov. 28, 2023). This said, such powers must still be exercised in a manner that is consistent with Mississippi law. MS AG Op., *Marshall* at *1 (Oct. 17, 2014).

You first ask if the Board possesses the authority under Section 29-5-161 to prohibit the use of tobacco products and all smoking materials, including electronic smoking or vaping devices, on ICC property. Section 29-5-161 generally prohibits the smoking of lighted tobacco with any device in any public community college building. Miss. Code Ann. § 29-5-161(1), (3). And Subsection (1)(c) makes clear that "[s]moking policies applicable in the private offices of faculty and staff and other 'smoking permitted' space *may be determined by each academic and administrative department.*" Miss. Code Ann. § 29-5-161(1)(c) (emphasis added). Put differently, the Board has the authority to implement policies that are stricter than the prohibitions set forth in Section 29-5-161. It is thus the opinion of this office that the Board possesses the authority to prohibit the use

of tobacco products and all smoking materials, including electronic smoking or vaping devices, on ICC property so long as such policies do not conflict with Mississippi law.

You next ask if the Board has authority to regulate firearm possession on ICC property consistent with and independent of Section 97-37-17. Generally speaking, yes, Section 37-29-67's broad authority provides the Board with the power to regulate firearm possession on ICC property; however, as stated *supra*, such power must be exercised in a manner that is consistent with Mississippi law.¹ Other potentially relevant statutes that should be taken into consideration include, but are not limited to, Sections 45-9-55 (regarding an employer's inability to prohibit the transporting or storing of a firearm in a locked vehicle in a designated parking area) and 97-37-7(2) (regarding certain allowances with enhanced firearm permits).

Your last question is whether the Board has the authority under Mississippi law to enter or search college-owned or controlled property when it is in the best interest of the college or its community to do so. Section 37-29-67 authorizes the Board to implement policies regarding the entering and searching of college-owned or controlled property when it is in the best interest of the college or its community *so long as such policies do not otherwise conflict with Mississippi law*. See MISS. CONST. art. III, § 23 ("The people shall be secure in their persons, houses, and possessions, from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized."). You do not ask about campus dormitories, and this office is not authorized to opine upon matters of federal law under Section 7-5-25. However, in addition to Section 23 of the Mississippi Constitution, we also highlight *Piazzola v. Watkins*, 442 F.2d 284 (5th Cir. 1971), for your consideration specifically in regard to dorm rooms. See *id.* at 289 ("[A] student who occupies a college dormitory room enjoys the protection of the Fourth Amendment.").

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/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General

¹ See also MS AG Op., *Gipson* (Apr. 21, 2017) (discussing limitations to a state agency's general authority to limit the carrying of concealed weapons by enhanced license holders and authority to implement employee-specific policies regardless of such limitations).