

164.321 Boards of regents of Eastern Kentucky, Morehead State, Murray State, Western Kentucky, Kentucky State, and Northern Kentucky Universities, and Kentucky Community and Technical College System -- Membership -- Terms - - Grounds for removal and replacement of board members.

- (1) (a) Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University, and Northern Kentucky University shall each be governed by a board of regents appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.
- (b) Each board of the comprehensive universities listed in paragraph (a) of this subsection shall consist of eight (8) members appointed by the Governor, one (1) member of the teaching faculty, one (1) member of the university nonteaching personnel, and one (1) member of the student body of the respective university. The members appointed by the Governor shall be subject to confirmation by the Senate. The members of the board shall select a chairperson annually.
- (c) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4).
- (d) New appointees of a board shall not serve for more than two (2) consecutive terms.
- (e)
 1. The gubernatorial appointments may include one (1) graduate of the respective institution who resides outside the Commonwealth.
 2. No more than two (2) appointed members of any board shall be residents of one (1) county.
 3. The appointments shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment. A particular political affiliation shall not be a prerequisite to appointment to any board generally; however, if any person is appointed to a board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties.
 4. Membership on the board shall not be incompatible with any state office.
 5. A change in residency after the date of appointment shall not affect a member's ability to serve nor shall it prevent a member's eligibility for reappointment, except a member who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve.
 6. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

- (f) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.
- (g) Each member of the board shall serve for the term for which the member is appointed and until a successor is appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4).
- (h) The faculty member of a board shall be a teaching or research member of the faculty of his or her respective university of the rank of assistant professor or above. The faculty member shall be elected by secret ballot by all faculty members of his or her university of the rank of instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
- (i) The nonteaching personnel member of a board shall be any full-time staff member, excluding the president, vice presidents, academic deans, and academic department chairpersons. He or she shall represent all nonteaching university employees including but not limited to building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
- (j) The student body member of a board shall serve a one (1) year term beginning on July 1 after being elected and sworn in as student body president and ending on the following June 30. If the student member does not maintain the position as student body president or the status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The elected student member shall serve for the remainder of the unexpired term.
- (k)
 - 1. All appointed and elected persons shall be required to attend and complete an orientation and education program prescribed by the council under KRS 164.020(24) as a condition of their service and eligibility for appointment or election to a second term.
 - 2. Attendance at an orientation and education program as required in subparagraph 1. of this paragraph shall not constitute a meeting for the purposes of KRS 61.800 to 61.850 if official action is not taken, regardless of how many board members are in attendance.
- (l) Board members may be removed by the Governor under the following circumstances:

1. For cause, pursuant to KRS 63.080(2); or
 2. Pursuant to KRS 63.080(3) or (4).
- (m) The inability of a board to hold quarterly meetings, to elect a chairperson annually, to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an annual evaluation of the president of the university, to carry out its primary function to periodically evaluate the university's progress in implementing its mission, goals, and objectives to conform to the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be cause for the Governor to remove all appointed members of the board and replace the entire appointed membership pursuant to KRS 63.080(4).
- (2) (a) The Kentucky Community and Technical College System shall be governed by a board of regents appointed for a term set by law pursuant to Section 93 of the Constitution of Kentucky.
- (b) 1. Beginning on October 1, 2026, the board of the Kentucky Community and Technical College System shall consist of the following seventeen (17) members:
- a. Fourteen (14) members appointed by the Governor, as follows:
 - i. One (1) member selected from a list of three (3) names submitted by the Kentucky Association of School Administrators;
 - ii. One (1) member selected from a list of three (3) names submitted by the Kentucky Association of Manufacturers;
 - iii. One (1) member selected from a list of three (3) names submitted by the Associated General Contractors of Kentucky;
 - iv. One (1) member selected from a list of three (3) names submitted by the Kentucky Hospital Association;
 - v. One (1) member selected from a list of three (3) names submitted by the Kentucky Association for Economic Development;
 - vi. One (1) member selected from a list of three (3) names submitted by the Energy Planning and Inventory Commission established in KRS 164.2807; and
 - vii. Eight (8) members appointed from the state at large; and
 - b. Three (3) members elected in accordance with paragraph (h) of this subsection, as follows:
 - i. One (1) member of the KCTCS teaching faculty;
 - ii. One (1) member of the KCTCS nonteaching personnel; and
 - iii. One (1) member of the KCTCS student body.
2. The members appointed by the Governor shall be subject to confirmation by the Senate.
3. The members of the board shall select a chairperson annually.

- (c) The terms of appointed board members shall be for four (4) years and until their successors are appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4).
- (d) New appointees of the board shall not serve for more than two (2) consecutive terms.
- (e)
 - 1. No more than one (1) appointed member of the board shall be a resident of one (1) county.
 - 2. At least one (1) but no more than three (3) appointed members of the board shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment.
 - 3. The appointments to the board shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment. A particular political affiliation shall not be a prerequisite to appointment to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties.
 - 4. Membership on the board shall not be incompatible with any state office.
 - 5.
 - a. A change in residency after the date of appointment shall not affect a member's ability to serve, except that a member who assumes residency:
 - i. Outside the fifty (50) United States shall become immediately ineligible to serve; and
 - ii. That places the board in violation of the requirements of subparagraphs 1. and 2. of this paragraph shall become immediately ineligible to serve.
 - b. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.
 - 6. No appointed member of the board shall have a conflict of interest in accordance with KRS 45A.340 or be a relative of any employee of the system.
- (f) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.
- (g) Each member of the board shall serve for the term for which the member is appointed and until a successor is appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4).
- (h) Members elected to the board shall be as follows:

1. The teaching faculty member of the board shall be a teaching member of the faculty of the KCTCS. The faculty member shall be elected by secret ballot by all regular full-time faculty members of the KCTCS. The faculty member shall serve for a term of three (3) years and until a successor is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching faculty of the KCTCS. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election;
 2. The nonteaching personnel member of the board shall be any full-time staff member, excluding the president, chancellor, provost, vice presidents, academic deans, academic department chairpersons, and any other administrator who supervises two (2) or more employees and reports directly to the president or chancellor. He or she shall represent all nonteaching employees of the KCTCS, including but not limited to building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the KCTCS. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election; and
 3. The student body member of the board shall be elected by means of a process established by the board. The student member shall serve a one (1) year term beginning on July 1 after being elected and sworn in as the student body member of the board and ending on the following June 30. If the student member does not maintain status as a full-time student, a special election shall be held to fill the vacancy for the remainder of the unexpired term.
- (i) All appointed and elected board members shall be required to attend and complete an orientation and education program prescribed by the council under KRS 164.020(24) as a condition of their service and eligibility for appointment or election to a second term.
 - (j) Board members may be removed by the Governor under the following circumstances:
 1. For cause, pursuant to KRS 63.080(2);
 2. Pursuant to KRS 63.080(3) or (4); or
 3. Upon the request of the president or chairman of the board after the member has failed to attend three (3) consecutive regularly scheduled meetings, which shall be considered gross neglect of duty pursuant to KRS 63.080(2)(d).
 - (k) The inability of the board to hold quarterly meetings, to elect a chairperson annually, to establish a quorum, to adopt an annual budget, to set tuition rates,

to conduct an annual evaluation of the president of the system, to carry out its primary function, to periodically evaluate the system's progress in implementing its mission, goals, and objectives to conform to the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be cause for the Governor to remove all appointed members of the board and replace the entire appointed membership pursuant to KRS 63.080(4).

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 164, sec. 1, effective July 15, 2026; and ch. 171, sec. 4, effective July 15, 2026. -- Amended 2025 Ky. Acts ch. 120, sec. 10, effective June 27, 2025. -- Amended 2017 Ky. Acts ch. 101, sec. 6, effective March 21, 2017. -- Amended 2016 Ky. Acts ch. 136, sec. 4, effective July 15, 2016. -- Amended 2010 Ky. Acts ch. 41, sec. 1, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 113, sec. 10, effective July 15, 2008. -- Amended 2003 Ky. Acts ch. 26, sec. 2, effective March 10, 2003; and ch. 56, sec. 2, effective June 24, 2003. -- Amended 2001 Ky. Acts ch. 12, sec. 1, effective June 21, 2001. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 97, effective May 30, 1997. -- Amended 1994 Ky. Acts ch. 41, sec. 1, effective July 15, 1994. -- Created 1992 Ky. Acts ch. 10, sec. 5, effective July 1, 1992.

Legislative Research Commission Note (7/15/2026). 2026 Ky. Acts ch. 164, sec. 14, provides:

"(1) Notwithstanding subsection (2)(c) of [this statute], initial appointments to the board of regents of the Kentucky Community and Technical College System under subsection (2)(b)1.a.i. to vi. of [this statute] shall be as follows:

- (a) One member shall serve a one-year term;
- (b) One member shall serve a two-year term;
- (c) Two members shall serve a three-year term; and
- (d) Two members shall serve a four-year term.

(2) Upon the expiration of the initial appointments under subsection (1) of this section, members shall be appointed under subsection (2)(b)1.a.i. to vi. of [this statute] to four-year terms in accordance with subsection (2)(c) of [this statute].

(3) The eight members appointed to the board of regents of the Kentucky Community and Technical College System by the Governor under KRS 164.321 before [July 15, 2026] shall continue to serve on the board until the expiration of their terms, at which time their successors shall be appointed in accordance with [this statute]."

Legislative Research Commission Note (7/15/2026). This statute was amended by 2026 Ky. Acts chs. 164 and 171, which do not appear to be in conflict and have been codified together.