

CHAPTER 7

(SB 12)

AN ACT relating to public postsecondary education governance and declaring an emergency.

WHEREAS, effective governance of public postsecondary institutions is critical to the thousands of Kentucky postsecondary students and to Kentucky's economy; and

WHEREAS, the General Assembly finds that a fresh start is required for the continued effective governance of the University of Louisville;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 164.821 is amended to read as follows:

- (1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of **ten (10)**~~seventeen (17)~~ members appointed by the Governor, **at least one (1) of whom shall be a graduate of the university**; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; **one (1)**~~a~~ member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and **one (1)**~~a~~ student member who shall be the president of the student body during the appropriate academic year. ***The members appointed by the Governor shall be subject to confirmation by the Senate.***
 - (a) 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(25), as a condition of their service and eligibility for appointment or election to a second term.
 - (b) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.
 - (c) New appointees to the board shall not serve more than two (2) consecutive terms. ~~Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.~~
- (2) ***The student member shall serve a one (1) year term that shall begin upon being elected and sworn in as student body president.*** If the student member does not maintain ~~the~~~~his~~ position ~~of~~~~as~~ student body president or ~~the~~~~his~~ status ~~of~~~~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***~~a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.~~
- (3) The faculty member ~~and~~~~the~~ staff member~~, and student body member~~ shall ***serve one (1) year terms and*** cease to be eligible for membership on the board of trustees upon termination of their respective relationships with, ***or leadership positions within***, the university, and vacancies occurring for this reason shall be filled for the remainder of the respective terms in the same manner.~~The voting members of the board shall select a chairperson annually.~~
- (4) The gubernatorial appointments shall serve a term of six (6) years and until their successors are appointed and qualified, except the initial terms shall be as follows:
 - (a) Two (2) members shall serve one (1) year terms;
 - (b) ***Two (2)***~~Three (3)~~ members shall serve two (2) year terms;
 - (c) ***Two (2)***~~Three (3)~~ members shall serve three (3) year terms~~, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university in the manner and according to rules prescribed by the board of trustees~~;
 - (d) ***Two (2)***~~Three (3)~~ members shall serve four (4) year terms;
 - (e) ***One (1) member***~~Three (3) members~~ shall serve ***a five (5) year term***~~terms~~; and

- (f) **One (1) member**~~[Three (3) members]~~ shall serve a six (6) year **term**~~[terms, one (1) of whom shall be a graduate of the university, selected as under paragraph (c) of this subsection].~~
- (5) The Governor shall make his at-large appointments so as to divide the **appointed**~~[citizen]~~ representation upon the board to reflect:
- (a) **The** proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration; and
- (b) ~~[shall reflect]~~ No less than **the** proportional representation of the minority racial composition of the Commonwealth **based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number.**~~[The membership may include one (1) graduate of the institution who resides outside the Commonwealth, but he shall not be reimbursed for out of state travel.]~~
- (6) Vacancies among the **appointed**~~[citizen]~~ members of the board occurring by death, resignation, or any other cause, **other than expiration of a term**, shall be filled by appointments made by the Governor for the **remainder**~~[expiration]~~ of the **unexpired** term, subject to the qualifications set forth in this section.
- (7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members.

➔Section 2. KRS 164.830 is amended to read as follows:

- (1) The board of trustees of the University of Louisville shall constitute a body corporate, with the usual corporate powers, and shall possess all the authorities, immunities, rights, privileges, and franchises usually attaching to the governing bodies of Kentucky public higher educational institutions. **A majority of the voting members of the board shall constitute a quorum for the transaction of business.** Powers of the board shall include the following:
- (a) Appointment of a president, all faculty members, and other personnel and determination of the compensation, duties, and official relations of each. No relative of a board of trustee member shall be employed by the university.
- (b) Suspension or removal of the president, officers, faculty, agents, or other personnel that it is authorized to appoint, except that no president, professor, or teacher shall be removed except for incompetence, neglect of or refusal to perform his duty, or for immoral conduct and that the removal shall be made in accordance with procedures established by law for state institutions.
- (c) Election of a **chairperson, a vice chairperson to act in the absence or temporary disability of the chairperson**, and any other officers as it deems wise, including the annual election of a six (6) member executive committee which shall have the powers that the board delegates to it and shall operate under the rules the board shall establish under its authority to make bylaws, rules, and regulations consistent with this chapter. The committee shall have one (1) member representing the students, faculty, and nonteaching personnel with the group alternating each year. The initial appointment to the executive committee after **the effective date of this Act**~~[May 30, 1997]~~, shall be a faculty member, to be followed by a student and a nonteaching personnel, respectively.
- (d) Receipt, retention, and administration, on behalf of the university, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property.
- (e) Requirement of reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time.
- (f) Granting degrees to graduates of the university, prescription of conditions upon which postgraduate honors may be obtained, and conferment of honorary degrees.
- (g) The board shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.

- (2) *Board members shall receive no compensation for serving on the board, but shall be reimbursed for travel expenses for attending meetings and performing other official functions, consistent with the reimbursement policy for state employees. Board members who reside outside the Commonwealth shall not be reimbursed for out-of-state travel expenses.*
- (3) The provisions of KRS 164.030, 164.200, and 164.410, shall be applicable to the University of Louisville except where inconsistent with the purposes of KRS 164.810 to 164.870.

→Section 3. Upon the effective date of this Act and in accordance with KRS 164.005, the Governor's Postsecondary Education Nominating Committee shall as soon as practicable submit thirty nominations from which the Governor shall select ten for appointment to a newly established board of trustees. The ten appointees shall be subject to confirmation by the Senate.

→Section 4. Currently or previously serving trustees may be considered by the Governor's Postsecondary Education Nominating Committee for nomination.

→Section 5. Upon the appointment by the Governor of ten members identified under Section 3 of this Act, all authority, functions, and responsibilities vested in the former board of trustees of the University of Louisville shall be transferred to the newly re-created and established board of trustees of the University of Louisville. The board of trustees of the University of Louisville as it existed prior to the ten appointments shall be abolished. All duties, functions, responsibilities, records, equipment, staff, and supporting budgets of the former board of trustees of the University of Louisville and all functions, rights, powers, duties, and obligations as set forth in the Kentucky Revised Statutes and other relevant provisions of the law shall be transferred to the newly re-created and established board.

→Section 6. Whereas the effective governance of public postsecondary institutions is critical to Kentucky's economy, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor January 9, 2017.