

**164.360 Appointment and removal of president, faculty, and employees --
Performance and productivity evaluations. (Effective until July 15, 2026)**

- (1) (a) Each board of regents for the universities shall appoint a president, appoint all faculty members and employees, and fix their compensation and tenure of service, subject to the provisions of subsections (2) to (6) of this section. Faculty member and employee appointment and removal decisions may be delegated to the president in accordance with policy adopted by each board of regents.
- (b) The board of regents for the Kentucky Community and Technical College System shall appoint a president, appoint all faculty members and employees, and fix their compensation and tenure of service, subject to the provisions of subsections (2) to (6) of this section. Faculty member and employee appointment and removal decisions may be delegated to the president in accordance with policy adopted by the board of regents.
- (2) A person shall not be employed at an institution where his or her relative serves on the board of regents for that institution.
- (3) Each board may remove the president of the university or Kentucky Community and Technical College System, and the president may remove any faculty member or employee.
- (4) A president or faculty member may be removed for cause, which shall include incompetency, neglect of or refusal to perform his or her duty, immoral conduct, or failure to meet college or university performance and productivity requirements as determined in accordance with subsection (5) of this section. A president or faculty member shall not be removed until after thirty (30) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him or her to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a president shall be preferred by the chairperson of the board upon written information furnished to him or her, and charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his or her presence.
- (5) President and faculty member performance and productivity shall be evaluated at least once every four (4) years using a process approved by each board. Failure to meet performance and productivity requirements may result in removal of a president or faculty member regardless of status. The evaluation process shall be established by each board and provided to all faculty members by January 1, 2026, to become effective July 1, 2026.
- (6) (a) In addition to removal for cause as provided in subsections (4) and (5) of this section, a faculty member may be removed by the board for bona fide financial reasons, including but not limited to:
 1. Financial exigency;
 2. Low enrollment in a particular program or major; or
 3. Misalignment of revenue and costs in a particular college, department, program, or major.

- (b) The process by which removal as provided in paragraph (a) of this subsection shall be proposed, evaluated, and decided shall be established by each board and provided to all faculty members, with an effective date no later than October 1, 2026. The process shall require that no faculty member is removed until after thirty (30) days' notice in writing, stating the reason for removal, and after an opportunity has been given to the faculty member to respond before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board.

Effective: April 14, 2026

History: Amended 2026 Ky. Acts ch. 169, sec. 1, effective April 14, 2026. -- Amended 2025 Ky. Acts ch. 106, sec. 1, effective June 27, 2025. -- Amended 2005 Ky. Acts ch. 173, Pt. I, K.1.(11), sec. 1, effective March 20, 2005, until July 1, 2006. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 104, effective May 30, 1997. -- Amended 1992 Ky. Acts ch. 10, sec. 14, effective July 1, 1992. -- Amended 1974 Ky. Acts ch. 386, sec. 32. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4527-44, 4527-46.

Legislative Research Commission Note (7/1/2006). Because of the Governor's partial veto #9 of 2005 HB 267, the amendment to KRS 164.360 which was made by 2005 Ky. Acts ch. 173, Pt. I, K.1.(11), sec. 1, was only effective until July 1, 2006. The version that was last amended by 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 104, and that became effective on May 30, 1997, has been reinstated.