

164.230 Removal of professors, officers and employees -- Performance and productivity evaluations. (Effective July 15, 2026)

- (1) The board of trustees has full power to suspend or remove any of the officers, teachers, professors, or agents that it is authorized to appoint, but a president, professor, or teacher shall not be removed except for:
 - (a) Incompetency;
 - (b) Neglect of or refusal to perform his or her duty;
 - (c) Immoral conduct;
 - (d) Failure to meet college or university performance and productivity requirements as determined in accordance with subsection (5) of this section;
or
 - (e) 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.
- (2) A president, professor, or teacher shall not be removed under subsection (1)(a) to (d) of this section 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.
- (3) The process by which removal as provided in subsection (1)(e) of this section shall be proposed, evaluated, and decided shall be established by the 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.
- (4) Officer, teacher, professor, or agent appointment and removal decisions may be delegated to the president in accordance with policy adopted by the board of trustees.
- (5)
 - (a) President, teacher, and professor performance and productivity shall be evaluated at least once every four (4) years using a process approved by the board.
 - (b) Any preliminary discussions relating to the evaluation of the president by the board or between the board and the president prior to the final evaluation shall be conducted in closed session pursuant to KRS 61.810(1)(f).
 - (c) The final performance and productivity evaluation report on the president shall be in writing, discussed and adopted in an open meeting of the board and reflected in the minutes, and made available to the public upon request.
 - (d) Failure to meet performance and productivity requirements may result in removal of a president, teacher, or professor regardless of status. The evaluation process shall be established by the board and provided to all

faculty members by January 1, 2026, to become effective July 1, 2026.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 169, sec. 2, effective April 14, 2026; and ch. 171, sec. 20, effective July 15, 2026. -- Amended 2025 Ky. Acts ch. 106, sec. 2, effective June 27, 2025. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4527-21, 4527-22.

Legislative Research Commission Note (7/15/2026). This statute was amended by 2026 Ky. Acts chs. 169 and 171, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (4/14/2026). 2026 Ky. Acts ch. 169, sec. 2, inserted new provisions in and reformatted the existing text of subsection (1) of this statute and renumbered subsection "(2)" as subsection "(5)," but overlooked an existing reference in what is now subsection (1)(d). This manifest clerical or typographical error has been corrected in codification under KRS 7.136.