

AN ACT relating to chief executive officers of colleges within the Kentucky Community and Technical College System.

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

➔Section 1. KRS 164.350 is amended to read as follows:

- (1) The government of each of the state universities and the Kentucky Community and Technical College System is vested in its respective board of regents. Each board of regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. Each board may:
 - (a) Receive grants of money and expend the same for the use and benefit of the university or college;
 - (b) Adopt bylaws, rules, and regulations for the government of its members, officers, agents, and employees, and enforce obedience to such rules;
 - (c) Require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time;
 - (d) Determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the university or college; and
 - (e) Grant diplomas and confer degrees upon the recommendation of the president and faculty.
- (2) Each board of regents 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.
- (3) In addition to the duties required in subsections (1) and (2) of this section, the board of regents for the Kentucky Community and Technical College System, upon

recommendation of the president of the system, shall:

- (a) Develop and implement guidelines for the preparation of biennial budget requests by the administrators of the colleges within the system. The guidelines shall define the processes for review and approval by the boards of directors for the colleges;
- (b) Adopt a biennial budget request for the Kentucky Community and Technical College System upon the recommendation of the president of the system;
- (c) Adopt an allocation process for distributing funds to the colleges within the system;
- (d) Consider recommendations from the boards of directors of the colleges to improve the overall budget planning and allocation processes;
- (e) Designate each college with a name;
- (f) Encourage and accept donations of land and funds to be used in the acquisition, construction, or operations of colleges in the system. The board may commemorate donations from private persons or corporations with suitable memorials; and
- (g) Accept federal grants when deemed appropriate to be used in the acquisition, construction, or operations of colleges in the system.

The board of regents shall assure that the budget planning and implementation processes are consistent with the adopted strategic agenda and biennial budget and with the missions of the institutions within the system.

(4) In addition to the duties required in subsections (1) and (2) of this section, the board of regents for the Kentucky Community and Technical College System shall develop an evaluation process to be used to evaluate a college's chief executive officer, as defined in Section 2 of this Act. The board shall:

- (a) Identify standards and minimum performance criteria to be met by the college's chief executive officer;**

(b) Allow the inclusion of additional standards and performance criteria developed by the local board of directors to ensure implementation of the institution's mission, goals, and objectives; and

(c) Establish a procedure to allow a chief executive officer to appeal his or her evaluation.

➔Section 2. KRS 164.600 is amended to read as follows:

- (1) As used in this section, unless the context requires otherwise:
 - (a) "Chief executive officer" means a president or the head administrator of a college within the Kentucky Community and Technical College System;
 - (b) "College" means a community college, a technical college, or a community and technical college within the system;
 - (c) "President" means the chief executive officer of the system;
 - (d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and
 - (e) "System" means the Kentucky Community and Technical College System.
- (2) There shall be a board of directors for each community college or community and technical college under the Kentucky Community and Technical College System, except as provided in KRS 165.160. The board of regents may designate that a local board of directors serve more than one (1) college. Each board of directors shall:
 - (a) Select, by majority vote,~~[Recommend]~~ one (1) candidate for college chief executive officer from three (3) candidates provided by and acceptable to the president. The president shall supply names of any additional candidates if requested by the board of directors. The president shall~~[have the authority to make the final appointment and shall not]~~ be bound by the selection of~~[recommendation from]~~ the board of directors;
 - (b) 1. Evaluate the college chief executive officer annually, using evaluation forms developed by the board of directors incorporating the standards

and performance criteria identified pursuant to subsection (4) of Section 1 of this Act, and inform~~[advise]~~ the president of his or her performance. The local board of directors, by majority vote,~~[president]~~ has final authority for the appointment, contract term, contract renewal, and termination of the college chief executive officer.~~[;]~~

2. Any preliminary discussions related to the evaluation of the chief executive officer by the local board of directors or between the local board of directors and the chief executive officer prior to the final evaluation may be conducted in closed session.
3. The final evaluation shall be in writing, on forms agreed upon by the board of regents and the local board of directors, and shall be discussed and approved in an open meeting of the local board, as reflected in the minutes. A copy shall be given to the chief executive officer and made available to the public upon request.
4. a. The local board of directors shall forward a copy of the final written evaluation to the board of regents, with an order to renew or terminate the contract of the chief executive officer of the institution, based upon the results of the evaluation.
b. A chief executive officer who believes that the local board of directors failed to properly implement the evaluation process may submit an appeal to the board of regents, following the process established under subsection (4) of Section 1 of this Act, within one (1) month of receiving the final evaluation. An appeal shall not involve requests for the review of the judgmental conclusions of the evaluation.
c. The board of regents shall follow the procedures established to hear an appeal under subsection (4) of Section 1 of this Act.

d. A decision by the board of regents that the evaluation completed by the local board of directors was in noncompliance with the evaluation process shall render the evaluation void, and the chief executive officer shall have the right to be reevaluated; otherwise the evaluation and order of the local board of directors shall stand;

- (c) Approve budget requests for recommendation to the Kentucky Community and Technical College System;
 - (d) Adopt and amend an annual operating budget and submit it to the board of regents for approval as to the compliance with its guidelines; **and**
 - (e) Approve a strategic plan that is developed in coordination with local employers, civic leaders, campus constituents, and other postsecondary institutions in the region and that is consistent with the strategic agenda of the General Assembly.
- (3) The chief executive officer of each college shall have full authority and discretion regarding the use and management of the budget approved by the board of regents for the Kentucky Community and Technical College System under KRS 164.350.
- (4) Each board of directors shall consist of ten (10) members, seven (7) of whom shall be appointed by the Governor from nominees of the respective college nominating commission established under KRS 164.602 for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The other three (3) board members shall be one (1) member of the teaching faculty, one (1) member of the staff, and one (1) member of the student body. An appointed member's term shall be six (6) years.
- (5) The faculty member shall be on the teaching or research faculty of the college. The faculty member shall be elected by secret ballot of all full-time faculty members of the college. Faculty members shall serve for terms of three (3) years and until their

successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the boards if they cease to be members of the teaching staff of the college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

- (6) The staff member shall be a classified or midmanagement employee who does not hold faculty rank and who does not hold an upper administrative position. The staff member shall be elected by secret ballot of all full-time staff members of the college. Staff members shall serve for terms of three (3) years and until their successors are elected and qualified. Staff members shall be eligible for reelection, but shall be ineligible to continue to serve as members of the boards if they cease to be members of the staff of the college. An election to fill a vacancy for an unexpired term shall be held in the same manner as an election to an original full term.
- (7) The student member shall be elected by secret ballot from the student body of the college to serve a term of one (1) year. The student member shall be a full-time student who maintains permanent residency in the Commonwealth of Kentucky.
- (8) If a board of directors is designated by the board of regents to serve more than one college as permitted under subsection (2) of this section, the board of regents shall define procedures for the selection of the faculty, staff, and student representatives to the board of directors to ensure that there is opportunity for all colleges to be represented.
- (9) The members of the board of directors shall receive no compensation for their services but shall be paid for their actual and necessary expenses.
- (10) No citizen member of the board of directors shall have a conflict of interest in accordance with KRS 45A.340 or be a relative of any employee of the college under its jurisdiction. A person who is a member of the board on July 15, 1998, who is a relative of an employee of the college may finish out the appointed term of office

but the member may not be reappointed.