

1 AN ACT relating to a board of directors of a college within the Kentucky
2 Community and Technical College System.

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

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

5 (1) The government of each of the state universities and the Kentucky Community and
6 Technical College System is vested in its respective board of regents. Each board of
7 regents, when its members have been appointed and qualified, shall constitute a
8 body corporate, with the usual corporate powers, and with all immunities, rights,
9 privileges, and franchises usually attaching to the governing bodies of educational
10 institutions. Each board may:

11 (a) Receive grants of money and expend the same for the use and benefit of the
12 university or college;

13 (b) Adopt bylaws, rules, and regulations for the government of its members,
14 officers, agents, and employees, and enforce obedience to such rules;

15 (c) Require such reports from the president, officers, faculty, and employees as it
16 deems necessary and proper from time to time;

17 (d) Determine the number of divisions, departments, bureaus, offices, and
18 agencies needed for the successful conduct of the affairs of the university or
19 college; and

20 (e) Grant diplomas and confer degrees upon the recommendation of the president
21 and faculty.

22 (2) Each board of regents shall periodically evaluate the institution's progress in
23 implementing its missions, goals, and objectives to conform to the strategic agenda.
24 Officers and officials shall be held accountable for the status of the institution's
25 progress.

26 (3) In addition to the duties required in subsections (1) and (2) of this section, the board
27 of regents for the Kentucky Community and Technical College System, upon

1 recommendation of the president of the system, shall:

- 2 (a) Develop and implement guidelines for the preparation of biennial budget
3 requests by the administrators of the colleges within the system. The
4 guidelines shall **require the**~~[define the processes for review and]~~ approval **of**
5 **the requests** by the boards of directors for the colleges **prior to submission to**
6 **the board of regents**;
- 7 (b) Adopt a biennial budget request for the Kentucky Community and Technical
8 College System upon the recommendation of the president of the system;
- 9 (c) Adopt an allocation process for distributing funds to the colleges within the
10 system;
- 11 (d) Consider recommendations from the boards of directors of the colleges to
12 improve the overall budget planning and allocation processes;
- 13 (e) Designate each college with a name;
- 14 (f) Encourage and accept donations of land and funds to be used in the
15 acquisition, construction, or operations of colleges in the system. **The local**
16 **board of directors of the college for which a donation is offered shall have**
17 **final approval to accept or reject the donation.** The board may commemorate
18 donations from private persons or corporations with suitable memorials,
19 **following approval of the local board of directors of the college for which a**
20 **donation was accepted**; and
- 21 (g) Accept federal grants when deemed appropriate to be used in the acquisition,
22 construction, or operations of colleges in the system.

23 The board of regents shall **ensure**~~[assure]~~ that the budget planning and
24 implementation processes are consistent with the adopted strategic agenda and
25 biennial budget **approved by the respective local board of directors of each college**
26 **within the system** and with the missions of the **colleges**~~[institutions]~~ within the
27 system.

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

- 2 (1) As used in this section, unless the context requires otherwise:
- 3 (a) "Chief executive officer" means a president or the head administrator of a
4 college within the Kentucky Community and Technical College System;
- 5 (b) "College" means a community college, a technical college, or a community
6 and technical college within the system;
- 7 (c) "President" means the chief executive officer of the system;
- 8 (d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter,
9 aunt, uncle, son-in-law, and daughter-in-law; and
- 10 (e) "System" means the Kentucky Community and Technical College System.
- 11 (2) There shall be a board of directors for each community college or community and
12 technical college under the Kentucky Community and Technical College System,
13 except as provided in KRS 165.160. The board of regents may designate that a local
14 board of directors serve more than one (1) college. Each board of directors shall:
- 15 (a) Recommend one (1) candidate for college chief executive officer from three
16 (3) candidates provided by the president. The president shall have the
17 authority to make the final appointment and shall not be bound by the
18 recommendation from the board of directors;
- 19 (b) Evaluate the college chief executive officer and advise the president of his or
20 her performance. The president has final authority for the appointment and
21 termination of the college chief executive officer;
- 22 (c) Approve budget requests for recommendation to the Kentucky Community
23 and Technical College System;
- 24 (d) Adopt and amend an annual operating budget and submit it to the board of
25 regents for approval as to the compliance with its guidelines; ***and***
- 26 (e) Approve a strategic plan that is developed in coordination with local
27 employers, civic leaders, campus constituents, and other postsecondary

1 institutions in the region and that is consistent with the strategic agenda of the
2 General Assembly.

3 (3) The chief executive officer of each college shall have full authority and discretion
4 regarding the use and management of the budget approved by the board of regents
5 for the Kentucky Community and Technical College System under KRS 164.350.

6 (4) (a) Each board of directors shall consist of ten (10) members, seven (7) of whom
7 shall be appointed by the Governor from nominees of the respective college
8 nominating commission established under KRS 164.602 for a term set by law
9 pursuant to Section 23 of the Constitution of Kentucky. The other three (3)
10 board members shall be one (1) member of the teaching faculty, one (1)
11 member of the staff, and one (1) member of the student body. ~~An appointed~~
12 ~~member's term shall be six (6) years.~~

13 (b) Members appointed after January 1, 2018, shall serve four (4) year terms or
14 until a successor is appointed.

15 (c) Vacancies in membership shall be filled for the unexpired term in
16 accordance with the procedures established for original appointments.

17 (5) The faculty member shall be on the teaching or research faculty of the college. The
18 faculty member shall be elected by secret ballot of all full-time faculty members of
19 the college. Faculty members shall serve for terms of three (3) years and until their
20 successors are elected and qualified. Faculty members shall be eligible for
21 reelection, but they shall be ineligible to continue to serve as members of the boards
22 if they cease to be members of the teaching staff of the college. Elections to fill
23 vacancies shall be for the unexpired term in the same manner as provided for
24 original election.

25 (6) The staff member shall be a classified or midmanagement employee who does not
26 hold faculty rank and who does not hold an upper administrative position in which
27 he or she reports directly to the college chief executive officer. The staff member

1 shall be elected by secret ballot of all full-time staff members of the college. Staff
2 members shall serve for terms of three (3) years and until their successors are
3 elected and qualified. Staff members shall be eligible for reelection, but shall be
4 ineligible to continue to serve as members of the boards if they cease to be members
5 of the staff of the college. An election to fill a vacancy for an unexpired term shall
6 be held in the same manner as an election to an original full term.

7 (7) The student member shall be elected by secret ballot from the student body of the
8 college to serve a term of one (1) year. The student member shall maintain a
9 minimum of six (6) credit hours per semester and maintain~~be a full-time student~~
10 ~~who maintains~~ permanent residency in the Commonwealth of Kentucky.

11 (8) If a board of directors is designated by the board of regents to serve more than one
12 (1) college as permitted under subsection (2) of this section, the board of regents
13 shall define procedures for the selection of the faculty, staff, and student
14 representatives to the board of directors to ensure that there is opportunity for all
15 colleges to be represented.

16 (9) The members of the board of directors shall receive no compensation for their
17 services but shall be paid for their actual and necessary expenses.

18 (10) No citizen member of the board of directors shall have a conflict of interest in
19 accordance with KRS 45A.340 or be a relative of any employee of the college under
20 its jurisdiction. A person who is a member of the board on July 15, 1998, who is a
21 relative of an employee of the college may finish out the appointed term of office
22 but the member may not be reappointed.

23 (11) (a) A member of a local board of directors shall be held harmless and
24 indemnified by the college for all proper actions and votes taken as a board
25 member.

26 (b) The Kentucky Community and Technical College System shall provide a
27 local board of directors with independent legal counsel upon a request of a

1 majority vote of the local board members for transactions or any potential
2 legal matters between the local board of directors and the Kentucky
3 Community and Technical College System.

4 (12) Any outside agency or foundation associated with any college within the
5 Kentucky Community and Technical College System shall:

6 (a) Provide notice of each meeting of the foundation to the local board of
7 directors at least twenty-four (24) hours prior to the time of the meeting;

8 (b) Conduct agency or foundation business in an open meeting and make all
9 records of the meeting available for public review;

10 (c) Publicly disclose all financial documents, including actual amounts
11 donated or raised. The name of an individual donor who wishes to remain
12 anonymous shall not be disclosed;

13 (d) Publicly disclose all moneys expended by the agency or foundation,
14 including supplemental compensation and benefits to the chief executive
15 officer of the college and capital expenditures on behalf of the college. The
16 local board of directors shall approve by majority vote all expenditures
17 included in this paragraph; and

18 (e) Prohibit any citizen member of the agency or foundation who is serving in a
19 decision-making or managerial position from having a conflict of interest,
20 as applicable to an employee of an agency or state board or commission as
21 prescribed in KRS 45A.340, or from being a relative of any employee of the
22 college with which the agency or foundation is associated.