

1 AN ACT relating to employment at public postsecondary education institutions.

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

3 ➔Section 1. KRS 164.360 is amended to read as follows:

- 4 (1) (a) Each board of regents for the universities shall~~may~~ appoint a president, ~~and~~
 5 ~~on the recommendation of the president may, in its discretion,]~~appoint all
 6 faculty members and employees, and fix their compensation and tenure of
 7 service, subject to the provisions of subsections (2) to (5)~~subsection (2)]~~ of
 8 this section. **Faculty member and employee appointment and removal**
 9 **decisions may be delegated to the president in accordance with policy**
 10 **adopted by each board of regents.**
- 11 (b) The board of regents for the Kentucky Community and Technical College
 12 System shall appoint a president, ~~and on the recommendation of the president~~
 13 ~~may, in its discretion,]~~appoint all faculty members and employees, and fix
 14 their compensation and tenure of service, subject to the provisions of
 15 subsections (2) to (5)~~subsection (2)]~~ of this section. **Faculty member and**
 16 **employee appointment and removal decisions may be delegated to the**
 17 **president in accordance with policy adopted by the board of regents.**
- 18 (2) ~~[No person shall be employed for a longer period than four (4) years.]~~No person
 19 shall be employed at an institution where his or her relative serves on the board of
 20 regents for that institution.
- 21 (3) Each board may remove the president of the university or Kentucky Community
 22 and Technical College System and~~[, and upon the recommendation of]~~ the
 23 president may remove any faculty member or employee~~[employees, but]~~
- 24 **(4)** No president or faculty member shall be removed except for **cause, which shall**
 25 **include** incompetency, neglect of or refusal to perform his or her duty,~~[or for]~~
 26 immoral conduct, **or failure to meet college or university performance and**
 27 **productivity requirements as determined in accordance with subsection (5) of this**

1 section. A president or faculty member shall not be removed until after thirty
2 (30)~~ten (10)~~ days' notice in writing, stating the nature of the charges preferred, and
3 after an opportunity has been given him or her to make defense before the board by
4 counsel or otherwise and to introduce testimony which shall be heard and
5 determined by the board. Charges against a president shall be preferred by the
6 chairperson of the board upon written information furnished to him or her, and
7 charges against a faculty member shall be preferred in writing by the president
8 unless the offense is committed in his or her presence.

9 (5) President and faculty member performance and productivity shall be evaluated at
10 least once every four (4) years using a process approved by each board. Failure to
11 meet performance and productivity requirements may result in removal of a
12 president or faculty member regardless of status. The evaluation process shall be
13 established by each board and provided to all faculty members by January 1,
14 2026, to become effective July 1, 2026.

15 ➔ Section 2. KRS 164.230 is amended to read as follows:

16 (1) The board of trustees has full power to suspend or remove any of the officers,
17 teachers, professors, or agents that it is authorized to appoint, but no president,
18 professor, or teacher shall be removed except for incompetency, neglect of or
19 refusal to perform his or her duty, ~~for for~~ immoral conduct, or failure to meet
20 college or university performance and productivity requirements as determined in
21 accordance with subsection (2) of this section. A president, professor or teacher
22 shall not be removed until after thirty (30)~~ten (10)~~ days' notice in writing, stating
23 the nature of the charges preferred, and after an opportunity has been given him or
24 her to make defense before the board by counsel or otherwise and to introduce
25 testimony which shall be heard and determined by the board. Officer, teacher,
26 professor, or agent appointment and removal decisions may be delegated to the
27 president in accordance with policy adopted by the board of trustees.

1 **(2) President, teacher, and professor performance and productivity shall be evaluated**
 2 **at least once every four (4) years using a process approved by the board. Failure**
 3 **to meet performance and productivity requirements may result in removal of a**
 4 **president, teacher, or professor regardless of status. The evaluation process shall**
 5 **be established by the board and provided to all faculty members by January 1,**
 6 **2026, to become effective July 1, 2026.**

7 ➔Section 3. KRS 164.830 is amended to read as follows:

8 (1) The board of trustees of the University of Louisville shall constitute a body
 9 corporate, with the usual corporate powers, and shall possess all the authorities,
 10 immunities, rights, privileges, and franchises usually attaching to the governing
 11 bodies of Kentucky public higher educational institutions. A majority of the voting
 12 members of the board shall constitute a quorum for the transaction of business.

13 Powers of the board shall include the following:

14 (a) Appointment of a president, all faculty members, and other personnel and
 15 determination of the compensation, duties, and official relations of each. No
 16 relative of a board of trustee member shall be employed by the university.

17 **Faculty member and personnel appointment decisions may be delegated to**
 18 **the president in accordance with policy adopted by the board of trustees;**

19 (b) Suspension or removal of the president, officers, faculty, agents, or other
 20 personnel that it is authorized to appoint, except that no president, professor,
 21 or teacher shall be removed except for incompetence, neglect of or refusal to
 22 perform his or her duty, ~~for for~~immoral conduct, **or failure to meet college**

23 **or university performance and productivity requirements as determined in**
 24 **accordance with paragraph (c) of this subsection. Any**~~and that the~~ removal

25 shall be made in accordance with procedures established by law for state
 26 institutions. **Officer, faculty, agent, or other personnel removal decisions**
 27 **may be delegated to the president in accordance with policy adopted by the**

1 board of trustees;

2 (c) Creation of a process requiring the evaluation of the performance and
 3 productivity of the president, professors, and teachers at least once every
 4 four (4) years. Failure to meet performance and productivity requirements
 5 may result in removal of a president, professor, or teacher regardless of
 6 status. The evaluation process shall be established by the board and
 7 provided to all faculty members by January 1, 2026, to become effective July
 8 1, 2026;

9 (d) Election of a chairperson, a vice chairperson to act in the absence or
 10 temporary disability of the chairperson, and any other officers as it deems
 11 wise, including the annual election of a six (6) member executive committee
 12 which shall have the powers that the board delegates to it and shall operate
 13 under the rules the board shall establish under its authority to make bylaws,
 14 rules, and regulations consistent with this chapter. The committee shall have
 15 one (1) member representing the students, faculty, and nonteaching personnel
 16 with the group alternating each year. The initial appointment to the executive
 17 committee after March 21, 2017, shall be a faculty member, to be followed by
 18 a student and a nonteaching personnel, respectively;[;]

19 (e)[(d)] Receipt, retention, and administration, on behalf of the university,
 20 subject to the conditions attached, all revenues accruing from endowments,
 21 appropriations, allotments, grants or bequests, and all types of property;[;]

22 (f)[(e)] Requirement of reports from the president, officers, faculty, and
 23 employees as it deems necessary and proper from time to time;[;]

24 (g)[(f)] Granting degrees to graduates of the university, prescription of
 25 conditions upon which postgraduate honors may be obtained, and conferment
 26 of honorary degrees;[;]

27 (h)[(g)] The board shall periodically evaluate the institution's progress in

1 implementing its missions, goals, and objectives to conform to the strategic
2 agenda. Officers and officials shall be held accountable for the status of the
3 institution's progress; and[-]

4 (i)[-(h)] The board shall adopt bylaws, rules, and regulations for the governance
5 of its members, officers, agents, and employees, which shall reference the
6 member removal and replacement provisions of KRS 63.080, and the board
7 shall enforce obedience to those bylaws, rules, and regulations.

8 (2) Board members shall receive no compensation for serving on the board, but shall be
9 reimbursed for travel expenses for attending meetings and performing other official
10 functions, consistent with the reimbursement policy for state employees. Board
11 members who reside outside the Commonwealth shall not be reimbursed for out-of-
12 state travel expenses.

13 (3) The provisions of KRS 164.030, 164.200, and 164.410, shall be applicable to the
14 University of Louisville, except where inconsistent with the purposes of KRS
15 164.810 to 164.870.