

1 AN ACT relating to employment at public postsecondary education institutions and
2 declaring an emergency.

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

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

5 (1) (a) Each board of regents for the universities shall appoint a president, appoint all
6 faculty members and employees, and fix their compensation and tenure of
7 service, subject to the provisions of subsections (2) to (6)[(5)] of this section.
8 Faculty member and employee appointment and removal decisions may be
9 delegated to the president in accordance with policy adopted by each board of
10 regents.

11 (b) The board of regents for the Kentucky Community and Technical College
12 System shall appoint a president, appoint all faculty members and employees,
13 and fix their compensation and tenure of service, subject to the provisions of
14 subsections (2) to (6)[(5)] of this section. Faculty member and employee
15 appointment and removal decisions may be delegated to the president in
16 accordance with policy adopted by the board of regents.

17 (2) A[No] person shall not be employed at an institution where his or her relative
18 serves on the board of regents for that institution.

19 (3) Each board may remove the president of the university or Kentucky Community
20 and Technical College System, and the president may remove any faculty member
21 or employee.

22 (4) A[No] president or faculty member may[shall] be removed[~~except~~] for cause,
23 which shall include incompetency, neglect of or refusal to perform his or her duty,
24 immoral conduct, or failure to meet college or university performance and
25 productivity requirements as determined in accordance with subsection (5) of this
26 section. A president or faculty member shall not be removed until after thirty (30)
27 days' notice in writing, stating the nature of the charges preferred, and after an

1 opportunity has been given him or her to make defense before the board by counsel
2 or otherwise and to introduce testimony which shall be heard and determined by the
3 board. Charges against a president shall be preferred by the chairperson of the board
4 upon written information furnished to him or her, and charges against a faculty
5 member shall be preferred in writing by the president unless the offense is
6 committed in his or her presence.

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

13 (6) (a) *In addition to removal for cause as provided in subsections (4) and (5) of*
14 *this section, a faculty member may be removed by the board for bona fide*
15 *financial reasons, including but not limited to:*

- 16 1. *Financial exigency;*
- 17 2. *Low enrollment in a particular program or major; or*
- 18 3. *Misalignment of revenue and costs in a particular college, department,*
19 *program, or major.*

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

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

2 (1) The board of trustees has full power to suspend or remove any of the officers,
3 teachers, professors, or agents that it is authorized to appoint, but ~~a[ne]~~ president,
4 professor, or teacher shall not be removed except for:

5 (a) Incompetency;~~, or~~

6 (b) Neglect of or refusal to perform his or her duty;~~, or~~

7 (c) Immoral conduct;~~, or~~

8 (d) Failure to meet college or university performance and productivity
9 requirements as determined in accordance with subsection (2) of this section;
10 or

11 (e) For bona fide financial reasons, including but not limited to:

12 1. Financial exigency;

13 2. Low enrollment in a particular program or major; or

14 3. Misalignment of revenue and costs in a particular college, department,
15 program, or major.

16 (2) A president, professor, or teacher shall not be removed under subsection (1)(a) to
17 (d) of this section until after thirty (30) days' notice in writing, stating the nature of
18 the charges preferred, and after an opportunity has been given him or her to make
19 defense before the board by counsel or otherwise and to introduce testimony which
20 shall be heard and determined by the board.

21 (3) The process by which removal for cause as provided in subsection (1)(e) of this
22 section may be proposed, evaluated, and decided shall be established by the board
23 and provided to all faculty members, with an effective date no later than July 1,
24 2026. The process shall require that no faculty member is removed until after
25 thirty (30) days' notice in writing, stating the reason for removal, and after an
26 opportunity has been given to the faculty member to respond before the board by
27 counsel or otherwise and to introduce testimony which shall be heard and

1 **determined by the board.**

2 **(4)** Officer, teacher, professor, or agent appointment and removal decisions may be
3 delegated to the president in accordance with policy adopted by the board of
4 trustees.

5 **(5){(2)}** President, teacher, and professor performance and productivity shall be
6 evaluated at least once every four (4) years using a process approved by the board.
7 Failure to meet performance and productivity requirements may result in removal
8 of a president, teacher, or professor regardless of status. The evaluation process
9 shall be established by the board and provided to all faculty members by January 1,
10 2026, to become effective July 1, 2026.

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

12 (1) The board of trustees of the University of Louisville shall constitute a body
13 corporate, with the usual corporate powers, and shall possess all the authorities,
14 immunities, rights, privileges, and franchises usually attaching to the governing
15 bodies of Kentucky public higher educational institutions. A majority of the voting
16 members of the board shall constitute a quorum for the transaction of business.
17 Powers of the board shall include the following:

18 (a) Appointment of a president, all faculty members, and other personnel and
19 determination of the compensation, duties, and official relations of each. No
20 relative of a board of trustee member shall be employed by the university.
21 Faculty member and personnel appointment decisions may be delegated to the
22 president in accordance with policy adopted by the board of trustees;

23 (b) Suspension or removal of the president, officers, faculty, agents, or other
24 personnel that it is authorized to appoint, except that no president, professor,
25 or teacher shall be removed except for:

26 **1.** Incompetence;{,}

27 **2.** Neglect of or refusal to perform his or her duty;{,}

- 1 3. Immoral conduct; ~~, or~~
- 2 4. Failure to meet college or university performance and productivity
- 3 requirements as determined in accordance with paragraph ~~(d)~~~~(e)~~ of this
- 4 subsection; or
- 5 **5. Bona fide financial reasons, including but not limited to:**
 - 6 **1. Financial exigency;**
 - 7 **2. Low enrollment in a particular program or major; or**
 - 8 **3. Misalignment of revenue and costs in a particular college,**
department, program, or major; etc.
- 10 **(c)** Any removal shall be made in accordance with procedures established by law
11 for state institutions. Officer, faculty, agent, or other personnel removal
12 decisions may be delegated to the president in accordance with policy adopted
13 by the board of trustees;
- 14 **(d)** Creation of a process requiring the evaluation of the performance and
15 productivity of the president, professors, and teachers at least once every four
16 (4) years. Failure to meet performance and productivity requirements may
17 result in removal of a president, professor, or teacher regardless of status. The
18 evaluation process shall be established by the board and provided to all
19 faculty members by January 1, 2026, to become effective July 1, 2026;
- 20 **(e)** Election of a chairperson, a vice chairperson to act in the absence or
21 temporary disability of the chairperson, and any other officers as it deems
22 wise, including the annual election of a six (6) member executive committee
23 which shall have the powers that the board delegates to it and shall operate
24 under the rules the board shall establish under its authority to make bylaws,
25 rules, and regulations consistent with this chapter. The committee shall have
26 one (1) member representing the students, faculty, and nonteaching personnel
27 with the group alternating each year. The initial appointment to the executive

1 committee after March 21, 2017, shall be a faculty member, to be followed by
2 a student and a nonteaching personnel, respectively;

8 **(h)** Granting degrees to graduates of the university, prescription of
9 conditions upon which postgraduate honors may be obtained, and conferment
10 of honorary degrees;

11 **(i)(h)** The board shall periodically evaluate the institution's progress in
12 implementing its missions, goals, and objectives to conform to the strategic
13 agenda. Officers and officials shall be held accountable for the status of the
14 institution's progress; and

15 **(i)** The board shall adopt bylaws, rules, and regulations for the governance
16 of its members, officers, agents, and employees, which shall reference the
17 member removal and replacement provisions of KRS 63.080, and the board
18 shall enforce obedience to those bylaws, rules, and regulations.

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

24 (3) The provisions of KRS 164.030, 164.200, and 164.410, shall be applicable to the
25 University of Louisville, except where inconsistent with the purposes of KRS
26 164.810 to 164.870.

27 ➔Section 4. Whereas it is necessary for public postsecondary education

- 1 institutions to make sound fiscal decisions and be able to take swift action based on those
- 2 decisions, an emergency is declared to exist, and this Act takes effect upon its passage
- 3 and approval by the Governor or upon its otherwise becoming a law.