

1 AN ACT relating to postsecondary employment.

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

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

4 **(1)** The board of trustees has full power to suspend or remove any of the officers,
5 teachers, professors, or agents that it is authorized to appoint, but no president,
6 professor, or teacher shall be removed except for incompetency, neglect of or
7 refusal to perform his **or her** duty, ~~for for~~ immoral conduct, **or failure to meet**
8 **college or university performance and productivity requirements as determined in**
9 **accordance with subsection (2) of this section.** A president, professor or teacher
10 shall not be removed until after ten (10) days' notice in writing, stating the nature of
11 the charges preferred, and after an opportunity has been given him **or her** to make
12 defense before the board by counsel or otherwise and to introduce testimony which
13 shall be heard and determined by the board. **Officer, teacher, professor, or agent**
14 **appointment and removal decisions may be delegated to the president.**

15 **(2) Performance and productivity of all faculty members shall be evaluated at least**
16 **once every four (4) years using a process approved by the board. Failure to meet**
17 **performance and productivity requirements may result in the removal of a faculty**
18 **member, regardless of status. The evaluation process shall be established by the**
19 **board and provided to all faculty members by January 1, 2025, to become**
20 **effective July 1, 2025.**

21 ➔Section 2. KRS 164.360 is amended to read as follows:

22 (1) (a) Each board of regents for the universities ~~shall~~**may** appoint a president, ~~and~~
23 ~~on the recommendation of the president may, in its discretion,~~ appoint all
24 faculty members and employees, and fix their compensation and tenure of
25 service, subject to the provisions of subsection (2) of this section. **Faculty**
26 **member and employee appointment decisions may be delegated to the**
27 **president.**

1 (b) The board of regents for the Kentucky Community and Technical College
2 System shall appoint a president, ~~and on the recommendation of the president~~
3 ~~may, in its discretion,~~ appoint all faculty members and employees, and fix
4 their compensation and tenure of service, subject to the provisions of
5 subsection (2) of this section. **Faculty member and employee appointment**
6 **decisions may be delegated to the president.**

7 (2) ~~No person shall be employed for a longer period than four (4) years.~~ No person
8 shall be employed at an institution where his **or her** relative serves on the board of
9 regents for that institution.

10 (3) Each board may remove the president of the university or Kentucky Community
11 and Technical College System, ~~and upon the recommendation of the president may~~
12 ~~remove any faculty member or employees,~~ but no president ~~or faculty member~~
13 shall be removed except for **cause, which shall include** incompetency, neglect of
14 or refusal to perform his **or her** duty, ~~or for~~ **immoral conduct, or failure to meet**
15 **college or university performance and productivity requirements as determined in**
16 **accordance with subsection (5) of this section.** A president ~~or faculty member~~
17 shall not be removed until after ten (10) days' notice in writing, stating the nature
18 of the charges preferred, and after an opportunity has been given him **or her** to
19 make defense before the board by counsel or otherwise and to introduce testimony
20 which shall be heard and determined by the board. Charges against a president shall
21 be preferred by the chairperson of the board upon written information furnished to
22 him **or her**, ~~and charges against a faculty member shall be preferred in writing by~~
23 ~~the president unless the offense is committed in his presence.~~

24 **(4) Each board may remove a faculty member, but no faculty member shall be**
25 **removed except for cause, which shall include, incompetency, neglect of or**
26 **refusal to perform required duties, immoral conduct, or failure to meet college or**
27 **university performance and productivity requirements as determined in**

1 accordance with subsection (5) of this section. A faculty member shall not be
 2 removed until ten (10) days after notification in writing, stating the nature of the
 3 charges preferred, and after an opportunity has been given to make defense by
 4 counsel or otherwise and to introduce testimony. Faculty member removal
 5 decisions may be delegated to the president.

6 (5) Performance and productivity of all faculty members shall be evaluated at least
 7 once every four (4) years using a process approved by each board. Failure to meet
 8 performance and productivity requirements may result in the removal of a faculty
 9 member, regardless of status. The evaluation process shall be established by each
 10 board and provided to all faculty members by January 1, 2025, to become
 11 effective July 1, 2025.

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

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

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

22 Faculty member and personnel appointment decisions may be delegated to
 23 the president;

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

1 or university performance and productivity requirements as determined in
 2 accordance with paragraph (c) of this subsection. Any ~~and that the~~ removal
 3 shall be made in accordance with procedures established by law for state
 4 institutions. Officer, faculty, agent, or other personnel removal decisions
 5 may be delegated to the president;

6 (c) Evaluation of the performance and productivity of all faculty members at
 7 least once every four (4) years using a process approved by the board.
 8 Failure of employees to meet performance and productivity requirements
 9 may result in removal of the faculty member, regardless of status. The
 10 evaluation process shall be established by the board and provided to all
 11 faculty members by January 1, 2025, to become effective July 1, 2025;

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

22 (e)~~(d)~~ Receipt, retention, and administration, on behalf of the university,
 23 subject to the conditions attached, all revenues accruing from endowments,
 24 appropriations, allotments, grants or bequests, and all types of property;~~;~~

25 (f)~~(e)~~ Requirement of reports from the president, officers, faculty, and
 26 employees as it deems necessary and proper from time to time;~~;~~

27 (g)~~(f)~~ Granting degrees to graduates of the university, prescription of

1 conditions upon which postgraduate honors may be obtained, and conferment
2 of honorary degrees;~~[-]~~

3 ~~(h)~~~~(g)~~ The board shall periodically evaluate the institution's progress in
4 implementing its missions, goals, and objectives to conform to the strategic
5 agenda. Officers and officials shall be held accountable for the status of the
6 institution's progress; and~~[-]~~

7 ~~(i)~~~~(h)~~ The board shall adopt bylaws, rules, and regulations for the governance
8 of its members, officers, agents, and employees, which shall reference the
9 member removal and replacement provisions of KRS 63.080, and the board
10 shall enforce obedience to those bylaws, rules, and regulations.

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

16 (3) The provisions of KRS 164.030, 164.200, and 164.410, shall be applicable to the
17 University of Louisville, except where inconsistent with the purposes of KRS
18 164.810 to 164.870.