GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 374

WEDNESDAY, MARCH 3, 2010

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 30, 2010
4:04pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to election of faculty representative to boards of regents.

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

1 ➔Section 1. KRS 164.321 is amended to read as follows:

2 (1) Eastern Kentucky University, Morehead State University, Murray State University,
3 Western Kentucky University, Kentucky State University, Northern Kentucky
4 University, and the Kentucky Community and Technical College System shall each
5 be governed by a board of regents appointed for a term set by law pursuant to
6 Section 23 of the Constitution of Kentucky.

7 (a) Each board of the comprehensive universities shall consist of eight (8)
8 members appointed by the Governor, one (1) member of the teaching faculty,
9 one (1) member of the university nonteaching personnel, and one (1) member
10 of the student body of the respective university or college. The members of the
11 board shall select a chairperson annually.

12 (b) The board of the Kentucky Community and Technical College System shall
13 consist of eight (8) members appointed by the Governor, two (2) members of
14 the teaching faculty, two (2) members of the nonteaching personnel, and two
15 (2) members of the student body.

16 1. No more than three (3) appointed members of the board shall reside in
17 any one (1) judicial district of the Kentucky Supreme Court as of the
18 date of the appointment.

19 2. A change in residency of a gubernatorial appointee after the date of
20 appointment shall not affect the appointee's ability to serve or eligibility
21 for reappointment, except an appointee who assumes residency outside
22 the fifty (50) United States shall become immediately ineligible to serve.
23 The Council on Postsecondary Education shall notify the appointee of
24 his or her ineligibility to serve.

25 3. In making initial appointments, the Governor shall act so as to provide

1 equal representation of the two (2) sexes. In filling vacancies, the
2 Governor shall act so as to provide, inasmuch as possible, equal
3 representation of the two (2) sexes by appointing a member of the sex
4 that is the lesser represented at the time of the appointment. If the
5 remaining membership already has an equal number of males and
6 females, the Governor may appoint a member of either sex.
7 (2) The terms of appointed members shall be for six (6) years and until their successors
8 are appointed and qualified, except the initial appointments to the board of regents
9 for the Kentucky Community and Technical College System shall be as follows:
10 (a) One (1) member shall serve a one (1) year term;
11 (b) One (1) member shall serve a two (2) year term;
12 (c) Two (2) members shall serve three (3) year terms;
13 (d) One (1) member shall serve a four (4) year term;
14 (e) One (1) member shall serve a five (5) year term; and
15 (f) Two (2) members shall serve six (6) year terms.
16 New appointees of a board of regents shall not serve for more than two (2)
17 consecutive terms. Board members serving as of May 30, 1997, may be reappointed
18 at the end of their existing terms and may serve two (2) additional full consecutive
19 terms.
20 (3) The gubernatorial appointments may include one (1) graduate of the respective
21 institution who resides outside the Commonwealth. Not more than two (2)
22 appointed members of any board shall be residents of one (1) county. The
23 appointments shall reflect the proportional representation of the two (2) leading
24 political parties of the Commonwealth based on the state's voter registration.
25 Membership on the board shall reflect no less than proportional representation of
26 the minority racial composition of the Commonwealth. Membership on the board
27 shall not be incompatible with any state office. A change in residency after the date

1 of appointment shall not affect a member's ability to serve nor shall it prevent a
2 member's eligibility for reappointment, except a member who assumes residency
3 outside the fifty (50) United States shall become immediately ineligible to serve.
4 The Council on Postsecondary Education shall notify the appointee of his or her
5 ineligibility to serve.
6 (4) Appointments to fill vacancies shall be made in the same manner and within the
7 same time after the occurrence of the vacancy as regular appointments. The person
8 appointed shall hold the position for the unexpired term only.
9 (5) Each member of the board shall serve for the term for which the member is
10 appointed and until a successor is appointed and qualified.
11 (6) (a) The faculty member ***of a comprehensive university*** shall be a teaching or
12 research member of the faculty of his or her respective university~~[or college]~~
13 of the rank of assistant professor or above. The faculty member shall be
14 elected by secret ballot by all faculty members of his or her university ~~[or~~
15 ~~college]~~of the rank of ***instructor,*** assistant professor or above. The faculty
16 member shall serve for a term of three (3) years and until his successor is
17 elected and qualified. The faculty member shall be eligible for reelection, but
18 he or she shall not be eligible to continue to serve as a member of the board if
19 he or she ceases being a member of the teaching staff of the university ~~[or~~
20 ~~college]~~. Elections to fill vacancies shall be for the unexpired term in the same
21 manner as provided for the original election.
22 (b) The faculty members of the Kentucky Community and Technical College
23 System shall be represented by one (1) faculty member elected from the
24 community colleges and one (1) faculty member elected from the technical
25 institutions to serve three (3) year terms and until their successors are named.
26 The faculty representative of each branch shall be elected by means of a
27 process established by the board. The faculty members may be reelected but

1 shall not serve more than two (2) consecutive terms. A faculty member shall
2 be ineligible to continue to serve as a member of the board if he or she ceases
3 to be a member of the faculty at one (1) of the institutions within the system.
4 Elections to fill vacancies shall be for the unexpired term in the same manner
5 as provided for the original election. These two (2) members shall collectively
6 have one (1) vote which may be cast one-half (1/2) vote by each member.
7 (7) (a) The nonteaching personnel member in a comprehensive university shall be
8 any full-time staff member excluding the president, vice presidents, academic
9 deans, and academic department chairpersons. He or she shall represent all
10 nonteaching university employees including, but not limited to, building
11 facilities and clerical personnel. The member shall be elected by secret ballot
12 by the nonteaching employees. The nonteaching personnel member shall serve
13 a term of three (3) years and until a successor is elected and qualified. The
14 nonteaching personnel member shall be eligible for reelection, but he or she
15 shall not be eligible to continue to serve as a member of the board if he or she
16 ceases being an employee of the university. Elections to fill vacancies shall be
17 for the unexpired term in the same manner as provided for the original
18 election.
19 (b) The nonteaching personnel members in the Kentucky Community and
20 Technical College System shall be any full-time staff member excluding a
21 president, chancellor, vice president, academic dean, academic department
22 chair, or other administrator. They shall represent all nonteaching employees
23 in their respective branch institutions including, but not limited to, support
24 and clerical personnel. One (1) member shall be a representative from the
25 community colleges and one (1) member shall be a representative from the
26 technical institutions. They shall serve three (3) year terms and until their
27 successors are named. These two (2) members shall collectively have one (1)

1 vote which may be cast one-half (1/2) vote by each member. The nonteaching
2 personnel members of each branch shall be elected by means of a process
3 established by the board. A nonteaching personnel member may be reelected
4 but shall not serve more than two (2) consecutive terms. A nonteaching
5 employee shall be ineligible to continue to serve as a member of the board if
6 that employee ceases to be a nonteaching employee at one (1) of the
7 institutions within the system. Elections to fill vacancies shall be for the
8 unexpired term in the same manner as provided for the original election.
9 (8) (a) The student member on a comprehensive university board shall be the
10 president of the student body of the university during the appropriate
11 academic year and may be an out-of-state resident if applicable. If the student
12 member does not maintain his or her position as student body president or
13 status as a full-time student at any time during that academic year, a special
14 election shall be held to select a full-time student member. The student
15 member shall serve for a term of one (1) year beginning with the first meeting
16 of the fiscal year which contains that academic year.
17 (b) Two (2) full-time student members shall be elected to the board of regents for
18 the Kentucky Community and Technical College System. One (1) shall
19 represent students of the community colleges and one (1) shall represent the
20 technical institutions. The student members shall be elected by means of a
21 process established by the board. The student members shall serve one (1)
22 year terms beginning with the first meeting of the fiscal year that contains the
23 academic year. If the student member does not maintain his or her status as a
24 full-time student, a special election shall be held to fill the vacancy. The two
25 (2) members shall collectively have one (1) vote which may be cast one-half
26 (1/2) vote by each member.
27 (9) All persons appointed after May 30, 1997, shall be required to attend and complete

1 an orientation program prescribed by the council under KRS 164.020, as a condition
2 of their service.
3 (10) Board members may be removed by the Governor for cause, which shall include
4 neglect of duty or malfeasance in office, after being afforded a hearing with counsel
5 before the Council on Postsecondary Education and a finding of fact by the council.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date March 30, 2010