

# PR 3

Office of the President  
June 19, 2012

Members, Board of Trustees:

PROPOSED REVISIONS TO THE GOVERNING REGULATIONS:  
REMOVAL OF A BOARD MEMBER

Recommendation: that the Board of Trustees approve the attached revision to Governing Regulation, Part II, which was received for preliminary consideration as PR 3 on May 8, 2012. The proposed revision adds a new section to the Governing Regulation to refer to Kentucky Revised Statutes, KRS 164.131(1)(d), which governs the removal of a member of the University of Kentucky Board of Trustees. Adding this reference is necessary for compliance with the Southern Association of Colleges and Schools (SACS) accreditation standards. The proposed revisions also include minor housekeeping changes.

Background: SACS Comprehensive Standard 3.2.5, states: “*The Governing Board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process.*” Kentucky statute, KRS 164.131(1)(d), establishes the authority, grounds, and process by which a Board member can be removed. Only the Governor can remove a Board member and such removal must be for cause, “which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the council and a finding of fact by the council.” The council, the Kentucky Council on Postsecondary Education (CPE), must conduct its hearings in accordance with KRS Chapter 13B, which establishes the formal rules and procedures for all aspects of the hearing process, including due process.

Since Kentucky statutes delegate the authority for removal of a Board member to the Governor and the CPE, SACS expects the University’s Governing Regulations to refer to the relevant statute to show that a Board member can only be dismissed for appropriate reasons and by a fair process.

A revised copy of Governing Regulation, Part II is attached. The proposed revision is underlined and shown on page 4, section B.2(d). A copy of KRS 164.131 is also attached.

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Action taken:     Approved     Disapproved     Other \_\_\_\_\_



# Governance of the University of Kentucky

## Major Topics

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- A. [Introduction](#)
- B. [Board of Trustees - Membership](#)
  - 1. [Definition](#)
  - 2. [Membership](#)
    - (a) [Appointed Members](#)
    - (b) [Elected Members](#)
    - (c) [Non-voting Members](#)
    - ~~(d) [Removal of Members](#)~~
  - 3. [Officers](#)
- C. [Meetings of the Board of Trustees](#)
- D. [Conflicts of Interest of Board Membership](#)
- E. [Standing and Special Committees](#)
  - 1. [Standing Committee General Rules](#)
  - 2. [Standing Committees](#)
    - (a) [Executive Committee](#)
    - (b) [Academic Affairs Committee](#)
    - (c) [Finance Committee and Audit Subcommittee](#)
    - (d) [Human Resources Committee](#)
    - (e) [Investment Committee](#)
    - (f) [Nominating Committee](#)
    - (g) [Student Affairs Committee](#)
    - (h) [University Athletics Committee](#)
    - (i) [University Health Care Committee](#)
    - (j) [University Relations Committee](#)
  - 3. [Special Committees](#)
- F. [Powers and Responsibilities of the Board of Trustees](#)
- G. [Petitions to Address the Board of Trustees](#)

## H. [References and Related Materials](#)

### [Appendix I – Petition to Address the Board](#)

## A. Introduction

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The governance of the University of Kentucky is vested by law in the Board of Trustees (KRS 164.131). Within the limits set by the State Constitution and the federal and state laws,<sup>\*</sup> the Board of Trustees is the final authority in all matters affecting the institution and exercises jurisdiction over the institution's financial, educational, and other policies and its relation with the state and federal governments.

These *Governing Regulations* describe the composition, powers, and duties of the Board of Trustees of the University of Kentucky, as defined by Kentucky Revised Statutes, and establish policies and procedures for the performance of its functions. In these *Governing Regulations*, the Board of Trustees delegates certain responsibilities to the President, the University Senate, the Staff Senate, the Student Government Association, the Graduate Faculty, and the faculties of educational units in order to provide for the responsible and efficient administration of the University and the accomplishment of its goals.

As the chief administrative officer of the University, the President is authorized by the Board of Trustees to promulgate the *Administrative Regulations* including the *Human Resources Policies and Procedures*, ~~*Administrative Regulation*~~ and the *Business Procedures Manual*, to provide interpretation and implementation of these *Governing Regulations*, and of the *Minutes of the Board of Trustees*, and to delineate policies within the sphere of delegated responsibility. Chief administrative officers are authorized to establish unit policies and procedures attendant to their delegated administrative responsibilities.

At an institution-wide level, the University Senate, as a primary educational policy-forming agency of the University, establishes the broad academic policies of the University. Within the limits set by the Board of Trustees and the University Senate, the Graduate Faculty is delegated jurisdiction over programs leading to graduate degrees and has the responsibility to safeguard, promote and assist in the development of research in all fields. Within the limits set by the institution-wide policies of the Board of Trustees, the University Senate, and the Graduate Faculty, the respective faculties exercise the governance role of policy-making responsibility for the instructional, research and service programs of their educational units. The University Senate, the Graduate Faculty, and the faculties of educational units are authorized to issue rules concerning the policy and procedure-making responsibilities that are attendant to their delegated educational policy-making role.

Where appropriate, the rules and regulations appearing in the *Administrative Regulations*, *Human Resources Policy and Procedures*, ~~*Business Procedures Manual*~~, ~~*Administrative Regulations*~~ and *University Senate Rules* should refer to the source or sources in these *Governing Regulations* or *Minutes of the Board of Trustees*.

## B. Board of Trustees - Membership

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### 1. Definition

The Board of Trustees is a body corporate, under the name of Board of Trustees of the University of Kentucky, with the usual corporate powers, and possesses all the immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. It may receive, hold, and administer, on behalf of the University, subject to the conditions attached, all revenues accruing

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<sup>\*</sup> The Council on Postsecondary Education in Kentucky (KRS 164.020) has powers and duties that relate to the governance of the University of Kentucky.

from endowments, appropriations, allotments, grants or bequests, and all types of property. (KRS 164.160)

## 2. Membership

The Board of Trustees of the University of Kentucky consists of sixteen members appointed by the Governor, two (2) University faculty members who shall have the right to vote on all matters except that of faculty compensation, one (1) University staff employee, and one (1) University student.

### (a) Appointed Members

The Governor shall make the appointments so as to reflect proportional representation on the Board of the two leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than proportional representation of the minority racial composition of the Commonwealth. Appointments to fill vacancies shall be made for any unexpired terms in the same manner as provided for the original appointments. (KRS 164.131)

The terms of the appointed members shall be for six (6) years and until their successors are appointed and qualified. Three (3) of the appointments shall be graduates of the University and may include one (1) graduate of the institution who may reside outside the Commonwealth; three (3) shall be representative of agricultural interests; and ten (10) shall be other distinguished citizens representative of the learned professions. Each graduate member is appointed by the Governor from a list of three (3) names submitted by the alumni of the University according to a method prescribed by the Board of Trustees, upon recommendation of the UK Alumni Association, pursuant to KRS 164.131(2)(a); KRS 164.140. The prescribed methods are published in the *Minutes of the Meetings of the Board of Trustees* (May 6, 2003).

### (b) Elected Members

The number of faculty members, staff employees, and student members elected to the Board of Trustees shall not exceed four (4). (KRS 164.131)

- (i) The two (2) faculty members representing the University shall be members of the faculty of the rank of assistant professor or above, elected by secret ballot by faculty members of the rank of assistant professor or above.

In accordance with KRS 164.131(3), faculty members eligible to vote and eligible to serve as elected members of the Board of Trustees shall be those regular, full-time employees conferred with a faculty title and a rank at the level of assistant professor (or its equivalent, librarian III) or above, and who do not have an administrative assignment at or above the level of department chair, and as otherwise defined in *Human Resources Policy and Procedure Administrative Regulation Number 4.0: Employee Status*.

The faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. They are eligible for reelection but are ineligible to continue to serve as members of the Board of Trustees if they cease to be members of the faculty. Elections to fill vacancies for any unexpired terms shall be held in the same manner as for the original elections.

The authority to develop procedures for the election of faculty members to serve as members of the Board of Trustees, in accordance with the provisions of KRS 164.131(3), is hereby delegated to the University Senate.

- (ii) The staff employee representing the University shall be a regular, full-time staff employee as defined in the *Human Resources Policy and Procedure Administrative Regulation Number 4.0*:

*Employee Status*, excluding the President, Provost, executive vice presidents, vice presidents, and academic deans. The staff trustee shall represent all University staff employees.

The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but is ineligible to continue to serve as a member of the Board of Trustees if the staff employee ceases to be an employee of the University. Elections to fill vacancies shall be for any unexpired term and shall be held in the same manner as provided for the original election.

The staff trustee shall be elected by secret ballot by the regular, full-time staff employees, including the President, Provost, executive vice presidents, vice presidents and academic deans.

The authority to develop procedures for the election of a staff employee to serve as a member of the Board of Trustees, in accordance with the provisions of KRS 164.131(4), is hereby delegated to the Staff Senate.

- (iii) The student member shall be the President of the Student Government Association during the appropriate academic year and may be an out-of-state resident. If the student member does not maintain the position as President or status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student. The authority to develop procedures for the election of a student of the University to serve as a member of the Board of Trustees, in accordance with the provisions of KRS 164.131(5), is hereby delegated to the Student Government Association.

#### (c) Non-voting Members

Pursuant to KRS 164.170 and 164.131(1)(e), the Board of Trustees may from time to time designate persons as nonvoting honorary members of the Board of Trustees, with responsibilities and privileges as it may deem appropriate, except for the power to vote.

#### (d) Removal of Members

Pursuant to KRS 164.131(1)(d), "Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the council and a finding of fact by the council." The "Council" is defined in KRS 164.001(8) as the Council on Postsecondary Education.

### 3. Officers

The Chair, Vice Chair, Secretary, and Assistant Secretary of the Board of Trustees shall be elected annually at the first fall meeting of the Board of Trustees. (KRS 164.180) The Chair of the Board of Trustees shall be limited to no more than four (4) consecutive terms as Chair. In the absence of the Chair, the Vice Chair presides at meetings of the Board of Trustees and the Executive Committee.

The Secretary keeps the minutes of all meetings, issues notices of meetings, and provides for the publication and distribution of the minutes in accordance with instructions from the Board of Trustees. The Secretary is responsible for the maintenance of an official revised copy of these Governing Regulations and for the publication of revisions. The Assistant Secretary is empowered to perform the duties of the Secretary when the Secretary is not present. The Assistant Secretary need not be a member of the Board of Trustees.

## C. Meetings of the Board of Trustees

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The Board of Trustees shall meet at least quarterly. Special meetings may be called by the Chair or by any three (3) members upon giving ten (10) days' written notice to each member of the Board of Trustees. The business to be transacted at special meetings shall be specified in the notice of the meeting. All meetings are to be held on the campus of the University unless otherwise specified by a majority vote of the Board of Trustees. A majority of the voting members of the Board of Trustees constitutes a quorum. (KRS 164.170)

The Board of Trustees may adjourn any regular or called meeting to any date that it may set for such adjournment. Any meeting of the Board of Trustees, if a quorum is not present, may be adjourned by the members attending to a time when a quorum shall be present.

The meetings of the Board of Trustees shall be open to the public. The Board of Trustees is required to arrange for a stenographic transcript of each of its meetings to be prepared and filed, to send an agenda for each of the meetings to each member of the Board of Trustees, and to make a copy of the agenda available to the press. (KRS 164.170) For regularly scheduled meetings, the agenda shall be released to the general public at least three (3) full business days prior to the board Meeting. "Business Day" means Monday through Friday, excluding Saturday and Sunday and official University holidays. The Board of Trustees and its committees shall operate in compliance with the provisions of the Open Meetings Law. (KRS 61.800-KRS 61.850)

All necessary expenses incurred by the Trustees in traveling to and from and while attending meetings of the Board of Trustees are designated to be paid out of the funds of the University. (KRS 164.170)

The order of business at meetings of the Board of Trustees normally is as follows:

- Call to Order
- Roll Call
- Reading and Approval of Minutes with Necessary Modifications
- Chair's Report
- Report of the President
- Consideration of President's Recommendations for Action
- Consideration of President's Discussion Items
- Reports of Committees
- Items for Board Discussion
- Other Business
- Adjournment

The most recent version of *Robert's Rules of Order* shall be observed in conducting the business of the Board of Trustees except as these may be modified by regulations adopted by the Board of Trustees.

## D. Conflicts of Interest of Board Membership

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No employee of the University shall be directly or indirectly interested in any contract with the University for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the two (2) faculty members and the one (1) staff employee who are members of the Board of Trustees. (KRS 164.131)

No member of a board of trustees shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding in compliance with KRS Chapter 45A, unless such trustee shall have been the lowest bidder and unless such trustee shall have first notified in writing the remaining members of the board, and to the newspaper having the largest circulation in the county in which the state university is located, of his intention to bid on such contract. (KRS 45A.340(7))

No member of the Board of Trustees may be held to be a public officer by reason of membership on the Board except as provided in KRS 45A.335 for the purpose of KRS 45A.340. (KRS 164.150)

## E. Standing and Special Committees

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The purpose of standing and special committees is to assist the Board of Trustees in its oversight role by gathering information, discussing, and providing advice on policy proposals prior to their coming before the entire Board of Trustees. Members of the University community and the general public may attend any committee meeting. An individual desiring to address a particular committee or otherwise participate in a committee meeting should contact the committee chair.

### 1. Standing Committee General Rules

- (a) Unless otherwise provided in this Governing Regulation, membership of standing committees shall include at least five (5) members of the Board of Trustees including the committee chair.
- (b) Unless otherwise provided in this Governing Regulation, committee members shall be appointed by the Chair of the Board of Trustees.
- (c) Unless otherwise provided in this Governing Regulation, the Chair of the Board of Trustees shall select the Chair for each committee from the Trustee members.
- (d) Board of Trustee members may be reappointed to a committee for consecutive terms.
- (e) Any vacancy occurring before the expiration of the term of the appointment shall be filled for the unexpired term.
- (f) A quorum of the Committee members must be present in order to conduct business.

### 2. Standing Committees

#### (a) Executive Committee

The Board of Trustees annually elects an Executive Committee of five (5) members that has the powers that the Board of Trustees delegates to it as prescribed in KRS 164.190. This election shall be held at the first fall meeting of the Board of Trustees. Vacancies may be filled at any meeting of the Board of Trustees. The Chair of the Board of Trustees shall be one (1) of the five (5) members and shall also serve as Chair of the Executive Committee. In general, the Executive Committee exercises oversight of the financial and business interests of the University and possesses the same powers as the Board of Trustees during the periods between meetings of the full Board of Trustees.

Meetings may be held as necessary at the call of the Chair. The Secretary of the Board of Trustees is the *ex officio* Secretary of the Executive Committee. The President may attend all meetings.

The Executive Committee is required to submit to the Board of Trustees at each meeting, for the latter's consideration and approval, a complete record of the proceedings of the Executive Committee. The authority of the Board of Trustees to amend the action of the Executive Committee does not extend to the rejection of any valid or authenticated expenditure of money by the Executive Committee (KRS 164.190). The Executive Committee shall serve as a hearing panel in the event of a faculty member, staff employee, or student appeal coming to the Board of Trustees.

The Executive Committee shall serve as the performance review committee for the President. The Executive Committee shall involve the entire Board of Trustees in this evaluation and shall also

solicit input from the executive committees or executive councils of the University Senate, Staff Senate, and Student Government Association.

(b) Academic Affairs Committee

This Committee:

- (i) Reviews recommendations on policy matters pertaining to the academic mission of the University in instruction, research, and public service as well as to policy matters concerning academic freedom, tenure, and shared governance;
- (ii) Reviews academic program proposals from the President to ensure that a) the academic programs are consistent with the University's mission; b) resources are available to achieve academic priorities as set forth in the strategic plan; c) academic programs are appropriate for its student needs; and d) the University has a system in place for assessing the effectiveness of its academic programs;
- (iii) Reviews new program and degree-program closure proposals and changes in the academic units or in the academic organization to ensure these proposals or changes will effectively carry out the academic mission;
- (iv) Reviews the list of candidates for academic degrees approved by the faculty of the University through the University Senate for submission to the Board of Trustees; and
- (v) Provides needed information to the Board of Trustees.

(c) Finance Committee and Audit Subcommittee

This committee ensures the financial stability and long-term economic health of the University by monitoring the financial operations of the University and its affiliated corporations and making appropriate recommendations to the Board of Trustees to ensure achievement of the University's mission. Consistent with KRS 164A.550 through 164A.630, the committee maintains oversight responsibility for the financial management of the University in the areas of accounting, auditing, payroll, purchasing, capital construction, real property, and affiliated corporations. The Committee shall oversee the budgets of the University by reviewing and recommending to the Board of Trustees on the annual operating budgets. The Committee shall ensure that accurate and complete financial records are maintained by reviewing and recommending to the Board of Trustees on annual financial reports and related recommendations from the Audit Subcommittee, interim financial reports, long-term debt obligations, gifts to the University of \$400,000 or more, capital projects of \$600,000 or more, leases over \$200,000 per year, disposition of property, sale of assets, and financial transactions not provided for in the annual operating budget.

The Audit Subcommittee recommends to the Finance Committee on the appointment of the external auditors, receives and reviews the annual reports from the external auditors, and makes recommendations to the Finance Committee concerning these reports.

(d) Human Resources Committee

This committee reviews recommendations to the Board of Trustees regarding policies pertaining to employee benefits, rights, and privileges requiring Board of Trustees approval.

(e) Investment Committee

Under delegation from the Board of Trustees, and consistent with KRS 164A.550 through 164A.630, the Investment Committee is responsible for review and oversight of the endowment investment



programs of the University and its affiliated corporations. These responsibilities include: formulating and reviewing investment policies; appointing, monitoring and evaluating investment managers and consultants; and reviewing and approving plans for the general management of the endowment funds of the University.

In addition to the Trustee members, the Investment Committee may, from time to time, have the Chair of the Board of Trustees appoint, upon recommendation of the University President, non-voting Community Advisory Members to assist it in its functions by providing specialized advice and support. Said Community Advisory Members shall be selected on the basis of their expertise in such areas as investment management and finance. The appointments of Community Advisory members to the Investment Committee shall be for three years and may be reappointed for an unlimited number of three year terms. The maximum number of Community Advisory members authorized at any one time shall be three (3).

The Investment Committee Chair reports to the Board of Trustees after each meeting of the committee on the performance results of endowment investments. Policies of the committee are implemented by the Office of the Treasurer in carrying out the day-to-day operations of the University's endowment funds.

(f) Nominating Committee

This committee:

- (i) Nominates officers of the Board of Trustees and members of the Executive Committee; and
- (ii) Reviews and recommends the appointment of trustees to the boards and committees of the University and its affiliated entities.

(g) Student Affairs Committee

This committee reviews:

- (i) Recommendations regarding revisions of the Code of Student Conduct; and
- (ii) Recommendations concerning the general welfare of students and the adoption of rules, procedures, rights, and responsibilities governing non-academic relationships between the University and its students.

(h) University Athletics Committee

The NCAA requires a member institution's chief executive officer to have ultimate responsibility and final authority for the conduct of the intercollegiate athletics program. In addition, the Southern Association of Colleges and Schools (SACS) requires an institution's chief executive officer to have ultimate responsibility for, and exercise appropriate administrative and fiscal control over, the intercollegiate athletics program.

To assist the President in carrying out this responsibility, the Athletics Committee is responsible for:

- (i) Providing counsel to the President concerning matters or activities of the Athletics Department;
- (ii) Reviewing the Athletics Department's annual budget and audit reports, major expenditures and acquisitions, and construction of facilities if the cost is expected to exceed \$400,000; and
- (iii) Providing needed information to the Board of Trustees.

The membership of the Committee shall be composed of five (5) voting Trustee members and up to three (3) non-voting Community Advisory members. In addition, the Faculty Athletics Representative shall serve as an *ex officio*, non-voting member. The membership of the Athletics Committee, including the Chair, shall be appointed by the President in consultation with the Chair of the Board of Trustees. The initial Board member appointments to the Athletics Committee shall be staggered terms in the following manner: two members for three years, two members for four years, and one member for five years. Board members appointed thereafter shall serve for three-year terms and may be reappointed.

(i) University Health Care Committee

This Committee serves as a governing body to operate the University Hospitals in accordance with the standards established by The Joint Commission, formerly 'Joint Commission on Accreditation of Health Care Organizations,' and to oversee the University's clinical enterprise. This responsibility includes management oversight for the development of policies, rules, and regulations for the governance of the University Hospitals and clinical enterprise. Policies of the Committee are implemented by the Executive Vice President for Health Affairs in carrying out the day-to-day operations of the University Hospitals and clinical enterprise.

The membership of the Committee shall be composed of five (5) voting Trustee members, seven (7) non-voting Advisory Members, and up to seven (7) non-voting Community Advisory Members.. Each member shall be appointed by the Chair of the Board of Trustees, acting upon recommendation of the President of the University. The initial Board of Trustee member appointments to the University Health Care Committee shall be for staggered terms in the following manner: two members for three years, two members for four years and one member for five years. Board members appointed thereafter shall serve for three-year terms and may be reappointed. The University Health Care Committee may create sub-committees and shall create committee rules to guide their governance consistent with The Joint Commission. (See University Health Care Committee Operating Rules, approved by the Board of Trustees December 7, 2010)

(j) University Relations Committee

This committee:

- (i) Reviews recommendations relating to the economic, social, and public policy environments within which the University operates that directly affect the University; and
- (ii) Reviews policies or policy proposals regarding marketing and development as well as public, governmental, and alumni relations.

3. Special Committees

Special committees may be established and appointed at any time by the Chair of the Board of Trustees and with such charge as the Board of Trustees Chair may determine. Special committees shall carry out their duties as specified and report to the Board of Trustees. Such committees shall function until discharged. Membership shall include trustees and may also include persons who are not Board of Trustees members.

## F. Powers and Responsibilities

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The powers and responsibilities of the Board of Trustees include the following:

1. Periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. (KRS 164.131)

2. Make such bylaws, rules, and regulations consistent with KRS Chapter 164 as it deems proper. (KRS 164.180)
3. Establish proper regulations for the governance of the University and the physical training, military or otherwise, of the students. The Board may authorize the suspension and dismissal of students for neglect or violation of the regulations or for other conduct prejudicial to the character and welfare of the University. (KRS 164.200)
4. Determine the colleges, schools, divisions, departments, bureaus, and offices which shall comprise the University within the scope of the Acts of Congress approved July 2, 1862, and Acts supplementary thereto, and the relation which each division shall sustain to each other division and to the whole. It may devise, allot, and arrange the distribution of divisions with the designation appropriate for each, and devise the means required for their effective instruction, administration, and governance. (KRS 164.210)
5. Appoint a President, professors, assistants, tutors, and other personnel and determine the compensation, duties, and official relations of each. In the appointment of presidents, professors, or instructors no preference shall be shown to any religious denomination. The Board is required to provide compensation for all positions created and filled by the Board of Trustees. The Board may provide for employee retirement benefits and such other employee benefits as are related to the respective employments and services furnished. Retirement plans may include, but without limitation, the retirement ages, the benefits of employees including group insurance, annuities, establishment of a trust fund or funds, and, the amounts to be paid or contributed by employees and the amounts to be paid or contributed by the University of Kentucky, and other appropriate terms and provisions with respect thereto. (KRS 164.220)
6. Exercise power over and control of appointments, qualifications, salaries, and compensation payable out of the State Treasury or otherwise, promotions and official relations of all employees of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employees shall be under the exclusive jurisdiction of the board of trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth. (KRS 164.225)
7. Suspend or remove any of the officers, teachers, professors, or agents that it is authorized to appoint, except that no President, professor, or teacher may be removed except for incompetence, neglect or refusal to perform duties, or for immoral conduct, and then only after ten (10) days' notice in writing stating the nature of the charges preferred, and after the individual has been given an opportunity to make defense before the Board of Trustees by counsel or otherwise and to introduce testimony which shall be heard and determined by the Board of Trustees. (KRS 164.230)
8. Grant degrees to graduates of the University, prescribe conditions for the award of honorary degrees, and confer such honorary degrees, upon the recommendation of the faculty of the University, as it deems proper. (KRS 164.240)
9. Make a full report to the General Assembly, within the first month of each even-numbered year regular session, of the condition and operation of the University since the date of the previous report, with such recommendations concerning the University as are deemed necessary. (KRS 164.250)
10. Acquire additional lands or other property or material for the purpose of expanding its plant and extending its usefulness. When unable to contract with the owner of land or other property or material necessary for the purposes of the University, it may acquire the same by condemnation proceedings in the manner provided in KRS 416.010 to 416.080. (KRS 164.260)

11. Dispose of real estate held by the Commonwealth for the use or benefit of the University or the Kentucky Agricultural Experiment Station as authorized in KRS 164.270 and KRS 45.360.

## G. Petitions to Address the Board of Trustees

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The purpose of this section is to provide a standard process for members of the University community and the general public to address the Board of Trustees on matters relevant to the University. This process provides for reasonable access to the Board of Trustees, while also preserving the Board's orderly business operations.

The procedures established by this regulation do not supersede *Governing Regulations* or *Administrative Regulations* that specifically permit appeal to, or appearances before, the Board or a Board Committee.

### 1. Petitions

- (a) An individual desiring to address the Board of Trustees shall submit a written petition to the Chair of the Board of Trustees through the Office of the President at least two (2) full business days prior to a scheduled meeting of the full Board. The petition shall describe the subject matter and the rationale for addressing the Board, and shall be submitted on the form (Petition to Address the Board of Trustees) attached as Appendix I to this regulation.

Petitions are available in the Office of the President, 101 Main Building, Lexington KY 40506-0032, or on-line at <http://www.uky.edu/Trustees/petition.htm>, and may be submitted in hardcopy or electronically. In order to be considered, any petition to address the Board of Trustees shall be submitted in accordance with this regulation and shall contain all required information. The Office of the President is responsible for forwarding to the Board Chair all petitions submitted in accordance with this regulation.

- (b) The Chair, who may consult with the President, shall determine if the subject matter of the petition is relevant to a pending or future agenda item, or deemed essential information necessary for the Board to fulfill its statutory responsibilities. If the Chair determines that the subject is relevant or the information is essential, the Chair shall:
  - (i) approve the petition to address the Board and ask that the petitioner be so informed; or
  - (ii) refer the petition to an appropriate committee of the Board and ask that the petitioner be informed of the Committee's meeting time and location.
- (c) The Committee to which a petition is referred shall review the merits of the petition to address the Board and shall take such action as it deems appropriate.
- (d) The list of petitioners requesting to address the Board of Trustees, along with the disposition of each petition, shall be made available immediately prior to each Board meeting at the meeting location.
- (e) The Chair of the Board of Trustees shall provide a report during the full Board meeting on the number of petitions to address the Board received, as well as the disposition of said petitions.
- (f) Prior to acting on an item or issue, the full Board shall hear approved petitioners who are present and prepared to address the Board when called to appear.
- (g) A record shall be kept indicating the petitioner's name, the subject matter, and action taken on each petition to address the Board.

### 2. Limitations

- (a) The Chair of the Board of Trustees may establish reasonable and appropriate limitations on the number of petitioners who may address the Board at each meeting and the time permitted for each address.
- (b) In the event of a substantial change to an action item, or the addition of an action item to the Board agenda, the Chair may, in his or her discretion, accept a petition(s) received outside the procedures and timelines established by this Governing Regulation.
- (c) The Chair of a Committee may establish reasonable and appropriate limitations on the number of petitioners who may address or participate in a committee meeting and the time permitted for each address.

## H. References and Related Materials

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KRS: 45A.335, 45A.340, 45.360, 61.800, 61.850, 164.131, 164.140, 164.160, 164.170, 164.180, 164.190, 164.200, 164.210, 164.220, 164.240, 164.250, 164.270, 164A.550, 164A.630, 416.010, 416.080

### Revision History

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| 6/11/2002, 9/17/2002, 10/10/2006, 10/16/2007, 6/17/2008, 3/29/2011, 9/13/2011

For archive versions contact: [Office of Legal Counsel](#)

# Appendix I

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## Petition to Address the Board of Trustees University of Kentucky

Petitions to address the Board may be made by completing and submitting this form to the Office of the President no later than two (2) business days before the start of the meeting (e.g., for a Tuesday, 1:00 p.m. meeting, petitions must be received by Friday at 1:00 p.m.). To ensure the proper recognition of speakers, no change in the original presenter may be made, except possibly as determined by the Board Chair or a Board Committee. For a complete list of guidelines, see GR II, *Governance of the University of Kentucky*.

### **INFORMATION** (Please type or print.)

#### **Contact Information (All fields must be completed)\***

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**\*YOU MUST PROVIDE A TELEPHONE NUMBER AND EMAIL ADDRESS IN ORDER FOR YOUR REQUEST TO BE CONSIDERED.**

#### **University Relationship**

Relationship to the University (please check the most appropriate category):

Student  Faculty  Staff  Alumni  Other (Please specify) \_\_\_\_\_

Name of Group (if applicable): \_\_\_\_\_

#### **Topic**

Topic on which you wish to speak: \_\_\_\_\_

Please indicate if you will speak  pro  con or  neutrally on this topic.

Briefly summarize your proposed address to the board: (maximum 1000 characters)

Have you contacted any University units about this topic previously?

Yes  No

If yes, list the units and the action taken by each office: (maximum 300 characters)

*The University of Kentucky is committed to providing equal opportunity for participation in all programs, services, and activities. Accommodations for persons with disabilities may be requested by contacting the Office of the President within 24 hours of the meeting. Requests received after this date will be honored whenever possible.*

Office of the President  
100 Main Building  
Lexington, KY 40506  
Phone: (859) 257-1704 Fax: (859) 323-2414 E-mail: pway@email.uky.edu

**164.131 Board of Trustees of University of Kentucky -- Membership -- Terms.**

- (1) (a) The government of the University of Kentucky is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.
  - (b) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020, as a condition of their service.
  - (c) The board shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.
  - (d) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the council and a finding of fact by the council.
  - (e) The board shall consist of sixteen (16) members appointed by the Governor, two (2) members of the faculty of the University of Kentucky, one (1) member of the University of Kentucky nonteaching personnel, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairperson annually.
- (2) (a) The terms of the appointed members shall be for six (6) years and until their successors are appointed and qualified; except the initial appointments shall be as follows:
    1. Two (2) members shall serve one (1) year terms;
    2. Two (2) members shall serve two (2) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university according to rules established by the board of trustees;
    3. Three (3) members shall serve three (3) year terms;
    4. Three (3) members shall serve four (4) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection;
    5. Three (3) members shall serve five (5) year terms; and
    6. Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection.
  - (b)
    1. Three (3) of the appointments shall be graduates of the university and may include one (1) graduate of the institution who resides outside the Commonwealth;
    2. Three (3) shall be representative of agricultural interests; and
    3. Ten (10) shall be other distinguished citizens representative of the learned professions and may include one (1) who resides outside of Kentucky.

- (c) The Governor shall make the appointments so as to reflect proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than proportional representation of the minority racial composition of the Commonwealth.
  - (d) Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.
- (3) The two (2) University of Kentucky faculty members shall be of the rank of assistant professor or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor or above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the faculty of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.
  - (4) The nonteaching personnel member shall be any full-time staff member, excluding the president, vice-presidents, academic deans, and academic department chairpersons. The staff member shall represent all nonteaching university employees including but not limited to building facilities and clerical personnel. The staff member shall be elected by secret ballot by the nonteaching employees. The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but a staff member who ceases being an employee of the university shall not be eligible to continue to serve as a member of the board. Elections to fill vacancies shall be for the unexpired term and shall be held in the same manner as provided for the original election.
  - (5) The student member shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.
  - (6) The number of student and employee trustees of the University of Kentucky elected to the board shall not exceed four (4).
  - (7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with exception of compensation to the two (2) faculty members, and the one (1) nonteaching personnel member.
  - (8) New appointees of the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

**Effective:** June 26, 2007



**History:** Amended 2007 Ky. Acts ch. 113, sec. 2, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 59, sec. 1, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 251, sec. 1, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 86, effective May 30, 1997. -- Created 1992 Ky. Acts ch. 10, sec. 4, effective July 1, 1992.