

PR 7

Office of the President
December 15, 2020

Members, Board of Trustees:

PROPOSED REVISION TO GOVERNING REGULATION II:
BOARD SELF-EVALUATION AND REMOVAL OF BOARD MEMBERS
(SECOND READING)

Recommendation: that the Board of Trustees approve the attached revisions to Governing Regulation (GR) II, Governance of the University of Kentucky, which was received for preliminary consideration as PR 4 on September 11, 2020. The revisions, if approved, will: 1) establish an annual self-evaluation for the Board of Trustees for compliance with the accreditation standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); and 2) update the conditions for removal of board members to be consistent with recent changes to Kentucky statutes on that issue.

Background: Effective March 21, 2017, the Kentucky Legislature amended KRS 164.131(1)(d) so that the Governor may remove board members of state universities for cause pursuant to KRS 63.080(2), or pursuant to KRS 63.080(3) or (4). According to the amended statutes, a board member may be removed by the Governor for cause. Cause includes, but is not limited to, malfeasance, misfeasance, incompetence, or gross neglect of duty. The Governor may remove a board member in order to bring the membership into compliance with any statutory proportional representation requirement for the board. The Governor may remove the entire appointed membership of a board for cause if the board is no longer functioning according to its statutory mandate as specified in the enabling statutes applicable to the board, or if the board membership's conduct as a whole constitutes malfeasance, misfeasance, incompetence, or gross neglect of duty, such that the conduct cannot be attributed to any single member or members. The amended statutes provide notice and other procedural requirements for the removal of board members. The revision to GR II will add the appropriate references to the amended statutes.

The Southern Association of Colleges and Schools Commission on Colleges, the agency that is responsible for the University's accreditation, has adopted a new requirement that the governing body of an institution of higher education must define and regularly evaluate its responsibilities and expectations. The rationale for the requirement as explained by SACSCOC is as follows:

As the body that holds in trust the fundamental autonomy and ultimate well-being of the institution, the governing board of the institution is a critical element in the success of the institution. Good institutional governance requires that the board systematically asks itself, "How are we doing? What

are we doing? Are we as effective as a board as we can be? (SACSCOC Standard 4.2.g, Board self-evaluation)

The proposed revision to GR II will add an annual self-evaluation to the Board's responsibilities, as is required by SACSCOC.

In accordance with *Governing Regulation (GR) XIII, University Regulations*, the University Senate, Staff Senate and Student Government Association have reviewed the proposed revisions prior to the second reading and final approval.

A revised copy of GR VII is attached. Proposed additions are underlined; proposed deletions are lined through.

Action taken: Approved Disapproved Other _____



Governing Regulation, Part II

Responsible Office: Board of Trustees

Effective: 3/5/2019

Supersedes Version: 9/9/2016

Governing Regulation, Part II Governance of the University of Kentucky

Major Topics

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Introduction

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 Federal and State Constitutions and the federal and state laws,^{*} 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.

^{*} The Council on Postsecondary Education in Kentucky (KRS 164.020) has powers and duties that relate to the governance of the University of Kentucky.

This *Governing Regulation* describes the authority, membership, committees, and responsibilities of the Board of Trustees.

A. Delegation of Authority

1. 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.
2. 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* 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.
3. 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.
4. Where appropriate, the rules and regulations appearing in the *Administrative Regulations*, *Human Resources Policy and Procedures*, *Business Procedures Manual*, 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

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 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)

- (1) 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.

- (2) 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, academic deans, academic department chairpersons, vice provosts, and equivalent positions. 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 staff employees with a 0.75 or greater full time equivalency (FTE), as defined in the *Human Resources Policy and Procedure Administrative Regulation Number 4.0: Employee Status*, including the President, Provost, executive vice presidents, vice presidents, academic deans, academic department chairpersons, vice provosts, and equivalent positions.

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.

- (3) 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 under the following circumstances: 1. For cause, pursuant to KRS 63.080(2); or 2. Pursuant to KRS 63.080(3) or (4)."

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3. Officers

- a. 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)
- b. 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.
- c. 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

1. 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)

2. 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.
3. 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 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)
4. 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)
5. 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
6. 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

1. 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)
2. 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))
3. 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

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.
- g. Committee Reports shall be posted online within 72 hours after the conclusion of Committee meetings.

2. Standing Committees

a. Executive Committee

(1) 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 and the Vice Chair of the Board of Trustees shall be two (2) of the five (5) members. The Chair of the Board of Trustees shall also serve as Chair of the Executive Committee.

(2) The Executive Committee:

- (a) In general, 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;
- (b) Serves as a hearing panel in the event of a faculty member, staff employee, or student appeal coming to the Board of Trustees;
- (c) Serves 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.

(d) Serves in an advisory capacity to the President on regulations and policies, institutional compliance, and accountability.

(3) 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.

(4) 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).

b. Academic and Student Affairs Committee

This Committee:

(1) 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;

(2) 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;

(3) 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;

(4) 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;

(5) Reviews recommendations regarding revisions of the Code of Student Conduct;

(6) Reviews 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; and

(7) Provides needed information to the Board of Trustees.

c. Audit and Compliance Committee

This Committee:

(1) Reviews recommendations and appoints the external auditors;

(2) Receives and reviews the annual financial and other reports from the external auditors and reports on such to the Board of Trustees; and

- (3) Receives and reviews reports from the Chief Audit Executive on the University's system of internal controls and compliance with applicable laws, regulations, and University policy, and reports on such to the Board of Trustees.

d. Finance Committee

This Committee:

- (1) 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;
- (2) Consistent with KRS 164A.550 through 164A.630, 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;
- (3) Oversees the budgets of the University by reviewing and recommending to the Board of Trustees on the annual operating budgets;
- (4) Ensures that accurate and complete financial records are maintained by reviewing and recommending to the Board of Trustees on:
 - (a) annual financial reports,
 - (b) interim financial reports,
 - (c) long-term debt obligations,
 - (d) gifts and pledges to the University of \$1,000,000 or more, if payable over five (5) years or less,
 - (e) capital projects of \$1,000,000 or more,
 - (f) leases over \$200,000 per year,
 - (g) disposition of property,
 - (h) sale of assets, and
 - (i) financial transactions not provided for in the annual operating budget.

e. Human Resources and University Relations Committee

This committee:

- (1) Reviews recommendations to the Board of Trustees regarding policies pertaining to employee benefits, rights, and privileges requiring Board of Trustees approval;
- (2) Reviews recommendations relating to the economic, social, and public policy environments within which the University operates that directly affect the University; and
- (3) Reviews policies or policy proposals regarding marketing and development as well as public, governmental, and alumni relations.

f. Investment Committee

- (1) 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:
 - (a) formulating and reviewing investment policies;

(b) appointing, monitoring and evaluating investment managers and consultants; and

(c) reviewing and approving plans for the general management of the endowment funds of the University.

(2) The membership of the Committee shall be composed of five (5) voting Trustee members and up to five (5) 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, and appointed for a three-year term. Community Members may be reappointed. The membership of the Committee, including the Chair, shall be appointed by the Chair of the Board of Trustees in consultation with the President. The initial Trustee member appointments to the Committee shall be staggered terms in the following manner: two (2) members for three (3) years, two (2) members for four (4) years, and one (1) member for five (5) years. Trustee members appointed thereafter shall serve for three-year terms and may be reappointed.

(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.

g. Nominating Committee

This committee:

(1) Nominates officers of the Board of Trustees and members of the Executive Committee; and

(2) Reviews and recommends the appointment of trustees to the boards and committees of the University and its affiliated entities.

h. University Athletics Committee

(1) 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:

(a) Providing counsel to the President concerning matters or activities of the Athletics Department;

(b) Reviewing the Athletics Department's annual budget and audit reports, major expenditures and acquisitions, and construction of facilities if the cost exceeds the amount needing Board of Trustees approval; and

(c) Providing needed information to the Board of Trustees.

(2) 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 (2) members for three (3) years, two (2) members for four (4) years, and one (1) member for five (5) years. Board members appointed thereafter shall serve for three-year terms and may be reappointed.

(3) The University Athletics Committee shall provide to the full Board a brief update at each Board meeting if the Committee has met.

i. University Health Care Committee

(1) This Committee:

(a) Serves as the governing body and governing authority to manage and operate the University Hospitals in accordance with the Conditions of Participation promulgated by the Centers for Medicare and Medicaid Services and with the laws and regulations governing the operations and services of hospitals in the Commonwealth of Kentucky; and

(b) Oversees the University's clinical enterprise, including management oversight for the development of policies, rules, and regulations for the governance of the University Hospitals and clinical enterprise.

(2) 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.

(3) 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.

(4) 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)

(5) The University Health Care Committee shall provide to the full Board a brief update at each meeting if the Committee has met.

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

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 of 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.
12. Define and regularly evaluate the Board's responsibilities and expectations. The self-evaluation shall be conducted annually. (Southern Association of colleges and Schools Commission on Colleges, Standard 4.2.g, Board self-evaluation)

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G. Petitions to Address the Board of Trustees

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:
 - (1) Approve the petition to address the Board and ask that the petitioner be so informed; or
 - (2) 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.

References and Related Materials

Kentucky Revised Statutes:

- 45A.335, Definitions for terms used in KRS 45A.330 to 45A.340
- 45A.340, Conflicts of interest of public officers and employees
- 45.360, Finance and Administration Cabinet -- Powers and duties
- 61.800, Legislative statement of policy
- 61.850, Construction
- 164.131, Board of Trustees of University of Kentucky -- Membership -- Terms
- 164.140, Selection of alumni trustees
- 164.160, Trustees constitute body corporate -- Power to receive and administer revenue and property
- 164.170, Meetings of board -- Quorum -- Expenses -- Public character
- 164.180, Officers of board -- Bylaws
- 164.190, Executive committee
- 164.200, Regulations for university -- Physical training and discipline of students
- 164.210, Colleges, departments, and bureaus determined by trustees
- 164.220, Appointment, salaries and retirement benefits of university personnel
- 164.240, Degrees granted by trustees
- 164.250, Report to legislature 164.270 Sale of realty -- When authorized
- 164.270, Sale of realty -- When authorized
- 164A.550, Definitions for KRS 164A.555 to 164A.630
- 164A.630, Statutes binding the board
- 416.010, Institution of condemnation action by railroad

416.080, When company entitled to possession of condemned property

Revision History

6/11/2002, 9/17/2002, 10/10/2006, 10/16/2007, 6/17/2008, 3/29/2011, 9/13/2011, 12/13/2011, 6/19/2012, 12/11/2012, 1/29/2013, 6/11/2013, 7/1/2013 (approved 3/19/2013), 10/26/13, 9/11/2015, 9/9/2016, 03/5/2019

For questions, contact: [Office of Legal Counsel](#)

Appendix I

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) full 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
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Lexington, KY 40506
Phone: (859) 257-1704 Fax: (859) 257-1760 E-mail: akhisel@uky.edu