TABLE OF CONTENTS

KENTUCKY REVISED STATUTES
KCTCS BOARD OF REGENTS BYLAWS
KCTCS VISION / VALUES / GOALS
KCTCS MISSION
ORGANIZATION CHARTS
KCTCS BOARD OF REGENTS POLICIES
164.001 Definitions for chapter.
164.002 Definitions for chapter.
164.003 Legislative findings and goals for achievement by 2020.
164.004 Strategic Committee on Postsecondary Education.
164.005 Governor's Postsecondary Education Nominating Committee -- Membership -- Terms -- Duties.
164.0053 Prohibited appointments -- Ineligibility to serve on council or governing board -- Conflicts of interest.

Council on Postsecondary Education

164.011 Council on Postsecondary Education -- Membership -- Terms -- Persons who shall serve in advisory capacity.
164.013 President of council -- Transfer of personnel positions.
164.020 Powers and duties of council.
164.0203 Strategic agenda -- Strategic implementation plan -- Benchmarks -- Review of goals and plan.
164.0205 Role of council with respect to program created by KRS 158.798.
164.021 Advisory Conference of Presidents.
164.0211 Board of Student Body Presidents.
164.027 Occupational qualification development program -- State payments to participating municipal junior colleges.
164.028 Office of Professional Education Preparation Programs.
164.0282 Duties of Council on Postsecondary Education as to professional education preparation programs.
164.029 Recognition of Area Health Education System.
164.030 Regulations of council to be followed by state postsecondary educational institutions.
164.035 Needs assessment for adult education and workforce development
164.037 Standardized degree programs.
164.050 Compensation and expenses of members.
164.070 Place of meeting.
164.095 Postsecondary education accountability process -- Annual accountability report.

**Institutions of Higher Learning**

164.281 Public institution of postsecondary education criminal history background checks - - Initial hires, contractors, employees, volunteers, visitors – Disclosures - - Termination.
164.282 Hepatitis B information to be provided to first-time students.
164.283 Student academic records confidential -- Exceptions.
164.284 Waiver of tuition and fees for person sixty-five or older -- Conditions.
164.2841 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter killed in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants who died as a result of duty-related injury -- Limitation.
164.2842 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter permanently and totally disabled in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants disabled as a result of duty-related injury.
164.2844 Tuition rates for nonresident veterans at Kentucky’s public universities.
164.2847 Waiver of tuition and mandatory student fees for Kentucky foster or adopted children.
164.2865 Legislative findings and declarations relating to meningococcal meningitis disease.
164.2867 Provision of vaccination information regarding meningococcal meningitis disease to postsecondary students.
164.287 Motor vehicle liability insurance -- Conditions.
164.2871 Liability insurance for governing board members, faculty, and staff -- Retirement annuity allowances exemption -- Taxability after December 31, 1997 -- Purchase of insurance not waiver of immunity -- Self-insured employer group health plan.
164.288 Power of state postsecondary education institutions to accept federal aid.
164.289 Faculty member's power to vote.
164.2891 Faculty voting member of board of trustees or regents.

**State Colleges and Universities**

164.295 Programs of state and comprehensive universities – Advanced practice doctoral programs that may be offered – Review and approval process.
164.296 Vocational and nonvocational programs at state universities -- Joint programming -- Review of programs below associate level.
164.310 Boards of regents for state regional universities and Kentucky Community and Technical College System.
164.321 Boards of Regents of Eastern Kentucky, Morehead State, Murray State, Western Kentucky, Kentucky State, Northern Kentucky Universities, and Kentucky Community and Technical College System -- Membership -- Terms.

164.330 Organization and officers of boards of regents -- Expenses.

164.335 Members of General Assembly not to serve on governing boards of state postsecondary education institutions.

164.340 Meetings of boards -- Quorum.

164.350 General powers and duties of boards of regents.

164.351 Information on preventing transmission of HIV infection to be made available to freshmen and transfer students.

164.352 Military recruiters' access to university campuses and student directory information.

164.360 Appointment and removal of president, faculty, and employees.

164.365 Governing boards to have exclusive control of employment, tenure, and official relations of employees -- Payroll deduction of employee membership organization dues for KCTCS employees.

164.367 Governing board may permit its employees to have an interest in a contract between the institution and a business -- Regulations to be forwarded to the Legislative Research Commission

164.370 Suspension or expulsion of students.

164.390 Interest in contracts prohibited.

164.400 Incidental expenses -- Fees.

164.410 Acquisition and sale of property -- Disposition of surplus property.

164.460 Reports of presidents.

164.465 Duty of presidents of postsecondary education institutions to distribute information to university’s governing board members.

Regional Compact

164.540 Council on Postsecondary Education designated agency of state for purposes of regional compact -- Commonwealth not to maintain educational institutions that are discriminatory.

Kentucky Community and Technical College System

164.580 Kentucky Community and Technical College System -- Curricula -- Goals -- Degree programs.

164.5805 Transfer of assets, liabilities, and staff positions of Kentucky Tech System -- Employee benefits and salaries of transferred employees -- Rules governing transferred employees.
164.5807 Governance and management of community colleges -- Transfer of funds -- Rules governing employees -- Personnel system -- Courses for employees -- Rights and privileges of students -- Conflicts.

164.583 Lower division academic courses -- Transfer of credits.

164.5833 Transferability of course work accepted prior to establishment of system.

164.586 Personnel dispute resolution system.

164.587 Medical and accident insurance program for students.

164.588 Services and property furnished by University of Kentucky and other providers.

164.591 Location of Kentucky Community and Technical College System headquarters and community colleges and extension centers -- Approval of General Assembly as requirement for new community colleges.

164.593 Paducah College may be included in system pursuant to agreement.

164.594 Service area of Prestonsburg Community College to include Pike County.

164.600 Boards of directors for community colleges and community and technical colleges.

**Kentucky Innovation Act**

164.602 Nominating commission for appointments to boards of directors.

**Higher Education Assistance**

164.740 Definitions for KRS 164.740 to 164.7891.

164.746 Board of directors -- Membership -- Terms -- Vacancies -- Officers and employees -- Compensation -- Meetings -- Bylaws, policies, and administrative regulations -- Power to adopt Model Procurement Code.

164.748 Powers and duties of board.

164.753 Rules and regulations governing loans, loan guarantees, scholarships, grants, and work-study programs.

164.7535 College access program grants.

164.7894 Kentucky Coal County College Completion Program.

164.7911 Strategic Investment and Incentive Funding Program -- Trust funds -- Interest -- Appropriations.

164.7913 Sources of funding -- Investment of balances -- Capital projects -- Allotment of appropriations.

164.7915 Budget request -- Purpose of appropriations.

164.7921 Technology initiative trust fund.

164.7923 Physical facilities trust fund.

164.7925 Postsecondary workforce development trust fund.

164.7927 Student financial aid and advancement trust fund.
Campus Safety and Security

164.948 Definitions for KRS 9481, 164.9483, and 164.9485.
164.9481 Duty of postsecondary institution to maintain crime log – Duty to report to campus community on crimes and threats to safety or security of students and employees.
164.9483 Jurisdiction and powers of state fire marshall – Duty of campus security authorities to report fire or threat of fire to fire marshall.
164.9485 Duty of postsecondary institution to submit statement of policies concerning campus safety and security.
164.9487 Duty of postsecondary education to obtain statistics and crime reports – Limitation of liability – Reporting formats.
164.9489 Short title for KRS 164.948 to 164.9489 and KRS 164.993.

Penalties

164.993 Penalties for violations of KRS 164.9481 or 164.9483.

CHAPTER 164A
HIGHER EDUCATION FINANCE

164A.050 Kentucky Higher Education Student Loan Corporation -- Establishment -- Organization -- Terms -- Duties -- Removal -- Expenses -- Relationship with other educational entities.

Financial Management of Institutions of Higher Learning

164A.550 Definitions for KRS 164A.555 to 164A.630.
164A.560 Election by institution to perform in accordance with KRS 164A.555 to 164A.630.
164A.565 Accrual basis accounting system -- Other records -- Annual report -- Budgets, financial statements, and meetings information to be publicly available on Web site.
164A.570 Annual audit.
CHAPTER 164
STATE UNIVERSITIES AND COLLEGES --
REGIONAL EDUCATION --
ARCHAEOLOGY

164.001 Definitions for chapter.
As used in this chapter, unless the context requires otherwise:
(1) "Administrator" means the chief executive officer of the institution;
(2) "Adult basic education" means instruction in mathematics, science, social studies, reading, language
arts, and related areas to enable individuals to better function in society;
(3) "Benchmarks" means objective measures developed where applicable or practical by the Council on
Postsecondary Education to judge the performance of the postsecondary education system and
progress toward the goals as stated in KRS 164.003(2);
(4) "Board" or "governing board" means the board of trustees for the University of Kentucky or the
University of Louisville, the board of regents for a comprehensive university, or the board of regents
for the Kentucky Community and Technical College System;
(5) "Board of regents" means the governing board of each comprehensive university and the Kentucky
Community and Technical College System;
(6) "Committee" means the Strategic Committee on Postsecondary Education created in KRS 164.004;
(7) "Comprehensive university" means the following public institutions: Eastern Kentucky University,
Kentucky State University, Morehead State University, Murray State University, Northern Kentucky
University, and Western Kentucky University;
(8) "Council" means the Council on Postsecondary Education created in KRS 164.011;
(9) "Customized training" means training in specific academic areas, work processes, or technical skills
that are designed to serve a specific industry or industries to upgrade worker skills;
(10) "Goals" means the six (6) goals specified in KRS 164.003(2);
(11) "Independent institution" means a nonpublic postsecondary education institution in Kentucky whose
instruction is not solely sectarian in nature, is accredited by a regional accrediting association
recognized by the United States Department of Education, and is licensed by the Council on
Postsecondary Education;
(12) "Institution" means a university, college, community college, health technology center, vocational-
technical school, technical institute, technical college, technology center, or the Kentucky
Community and Technical College System;
(13) "Kentucky Community and Technical College System" means the system composed of public
community and technical colleges, including those postsecondary institutions operated by the former
Cabinet for Workforce Development and those community colleges in the University of Kentucky
The system also includes institutions created by the board of regents for the Kentucky Community
and Technical College System and approved by the General Assembly;
(14) "Literacy" means an individual's ability to read, write, and speak in English and compute and solve problems at levels of proficiency necessary to function on the job and in society to achieve one's goals and develop one's knowledge and potential;

(15) "Lower division academic course" means any academic course offered for college or university credit that is designated as a freshman or sophomore level academic course;

(16) "Nonteaching personnel" means any employee who is a full-time staff member, excluding a president, chancellor, vice president, academic dean, academic department chair, or administrator;

(17) "Postsecondary education system" means the following public institutions: University of Kentucky, University of Louisville, Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Northern Kentucky University, Western Kentucky University, and the Kentucky Community and Technical College System;

(18) "P-16 council" or "council of partners" means a local or state council that is composed of educators from public and private preschools, elementary, secondary, and postsecondary education institutions, local board of education members, and may include community and business representatives that have voluntarily organized themselves for the purpose of improving the alignment and quality of the education continuum from preschool through postsecondary education as well as student achievement at all levels;

(19) "Public" means operated with state support;

(20) "Relative" means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, or daughter-in-law;

(21) "Remedial education" means any program, course, or activity that is designed specifically for students who have basic deficiencies in reading, written or oral communication, mathematics, study skills, or other skills necessary to do beginning postsecondary work as defined by the institution;

(22) "Standardized degree program" means a program, approved by the Council on Postsecondary Education, that consists of specific competencies, curriculum, and performance requirements regardless of the providing institution;

(23) "Strategic agenda" means the state strategic postsecondary education agenda described in KRS 164.0203;

(24) "Technical institution" means an educational institution that offers certificates, diplomas, or technical degrees in technical or occupational-related programs, including a facility called a vocational-technical school, technical institute, health technology center, technology center, technical college, or similar designation; and

(25) "Learning outcomes" means the knowledge, skills, and abilities that students have attained as a result of their involvement in a particular set of educational experiences.

Effective: July 15, 2010

164.002 Definitions for chapter.
As used in KRS Chapter 164, unless the context requires otherwise:
(1) "Advanced placement" or "AP" means a college-level course that incorporates all topics and instructional strategies specified by the College Board on its standard syllabus for a given subject area and is licensed by the College Board;
(2) "Cambridge Advanced International" means the Cambridge Advanced International Certificate of Education Diploma program, an international pre-university curriculum and examination system offered by Cambridge International Examinations at the University of Cambridge;
(3) "College Board Advanced Placement examination" means the advanced placement test administered by the College Entrance Examination Board;
(4) "College Board" means the College Entrance Examination Board, a national nonprofit association that provides college admission guidance and advanced placement examinations;
(5) "Dual credit" means a college-level course of study developed in accordance with KRS 164.098 in which a high school student receives credit from both the high school and postsecondary institution in which the student is enrolled upon completion of a single class or designated program of study, including participating in the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics;
(6) "Dual enrollment" means a college-level course of study developed in accordance with KRS 164.098 in which a student is enrolled in a high school and postsecondary institution simultaneously, including participating in the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics; and
(7) "International Baccalaureate" or "IB" means the International Baccalaureate Organization's Diploma Programme, a comprehensive two (2) year program designed for highly motivated students.

Effective: June 24, 2015
Legislative Research Commission Note (6/24/2015). This statute was amended by 2015 Ky. Acts chs. 15 and 112, which do not appear to be in conflict and have been codified together.

164.003 Legislative findings and goals for achievement by 2020.
(1) The General Assembly hereby finds that:
(a) The general welfare and material well-being of citizens of the Commonwealth depend in large measure upon the development of a well-educated and highly trained workforce;
(b) The education and training of the current and future workforce of the Commonwealth can provide its businesses and industries with the competitive edge critical to their success in the global economy and must be improved to provide its citizens the opportunity to achieve a standard of living in excess of the national average; and
(c) The positive advancement of the welfare of the citizens of the Commonwealth through the transmission of knowledge can only be achieved by the incorporation of ethical standards, the
historic American moral principles promoted by the nation's Founding Fathers, into Kentucky public instruction, state educational training, and personal development of its teachers, students, and people, and affirms President George Washington's statement in his September 19, 1796, farewell address: "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable."

(2) The General Assembly declares on behalf of the people of the Commonwealth the following goals to be achieved by the year 2020:

(a) A seamless, integrated system of postsecondary education strategically planned and adequately funded to enhance economic development and quality of life;
(b) A major comprehensive research institution ranked nationally in the top twenty (20) public universities at the University of Kentucky;
(c) A premier, nationally recognized metropolitan research university at the University of Louisville;
(d) Comprehensive universities, with at least one (1) nationally recognized program of distinction or one (1) nationally recognized applied research program, working cooperatively with other postsecondary institutions to assure statewide access to baccalaureate and master's degrees of a quality at or above the national average;
(e) A comprehensive community and technical college system with a mission that assures, in conjunction with other postsecondary institutions, access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program, the training necessary to develop a workforce with the skills to meet the needs of new and existing industries, and remedial and continuing education to improve the employability of citizens; and
(f) An efficient, responsive, and coordinated system of providers that delivers educational services to all adult citizens in quantities and of a quality that is comparable to the national average or above and significantly elevates the level of education of the adults of the Commonwealth.

(3) The achievement of these goals will lead to the development of a society with a standard of living and quality of life that meets or exceeds the national average.

(4) The achievement of these goals will only be accomplished through increased educational attainment at all levels, and contributions to the quality of elementary and secondary education shall be a central responsibility of Kentucky's postsecondary institutions.

(5) The furtherance of these goals is a lawful public purpose that can best be accomplished by a comprehensive system of postsecondary education with single points of accountability that ensure the coordination of programs and efficient use of resources.

(6) The Commonwealth further recognizes that Kentucky's independent institutions offer rich and diverse postsecondary education choices throughout the state. Kentucky's people are best served by a broad array of postsecondary education providers. This vital component of the system will be a full partner in the greater system of postsecondary education.
164.004 Strategic Committee on Postsecondary Education.

(1) The Strategic Committee on Postsecondary Education is hereby created and established. The committee shall be composed of members appointed by the Council on Postsecondary Education, the Governor, and the General Assembly. The council's representatives shall consist of the chair of the council, the president of the council, and five (5) members of the council designated by the chair. The Governor's representatives shall consist of the Governor and six (6) persons designated by the Governor. The General Assembly's representatives shall consist of the President of the Senate, the Speaker of the House of Representatives, the Majority and Minority Floor Leaders of both chambers of the General Assembly, the minority caucus chair of each chamber, a member appointed by the President of the Senate, a member appointed by the Speaker of the House of Representatives, a member appointed by the Minority Floor Leader of the Senate, a member appointed by the Minority Floor Leader of the House of Representatives, and the chair of the Committee on Appropriations and Revenue of each chamber.

(2) The chair of the council shall serve as chair of the committee. The committee shall meet at least quarterly and at other times upon the written call of the chair or of majorities of any two (2) of the three (3) groups that compose the committee.

(3) Nonlegislative members of the committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses, as set forth in KRS 12.070(5). Committee members who are Kentucky legislators shall be compensated for attendance at committee meetings from the legislative branch budget bill and as set forth in KRS 6.190.

(4) The committee shall serve as a forum for the council and the elected leadership of the Commonwealth to exchange ideas about the future of postsecondary education in Kentucky.

(5) The council shall periodically review its strategic implementation plan for the strategic agenda under KRS 164.0203 and advise the committee of the actions necessary to meet the goals established in KRS 164.003(2). The elected leaders shall review and comment on the strategic agenda and the timetable for implementation.

(6) The Governor shall advise the committee about the financial condition of the Commonwealth and the probable funds the executive branch intends to recommend to the General Assembly to be appropriated for postsecondary education.

(7) The legislative members shall react to the comments of the council and the Governor.

(8) The council shall advise the committee about its opinion of how the postsecondary education funds projected to be available should be allocated based on priorities and projected resources. Nothing in this section shall be construed to infringe upon the Governor's duty under KRS 48.100 to recommend appropriations to the General Assembly or upon the General Assembly's power to make final appropriations in the enacted budget.
(9) The committee shall have the advisory authority not explicitly prohibited by law that is necessary to carry out and effectuate its advisory functions, duties, and responsibilities, including the following:

(a) Receive reports from the council on the development and implementation of the long-term strategic agenda, including biennial budget requests for postsecondary education and any subsequent and related budget requests;

(b) Review the council's proposed objectives and benchmarks for the next fiscal biennium for furthering the Commonwealth's achievement of the goals set out in KRS 164.003(2);

(c) Consider and advise the council on the general budget parameters regarding development of the postsecondary budget for the next fiscal biennium;

(d) Review biennial budget requests from the council for the next fiscal biennium including base funding, increases in base funding, and funding for a strategic investment and incentive funding program, including criteria to be used in allocating these funds to institutions;

(e) Receive from the council, at least annually and on a more frequent basis if requested by the committee, accountability reports, budget information, and other information the committee deems proper; and

(f) Serve as the search committee for the review and consideration of candidates to be presented to the council for the initial appointment to the position of president of the Council on Postsecondary Education. Each group of the committee shall have one (1) vote on the search committee. The vote of each group shall be determined by a majority of the members of that group.

Effective: May 30, 1997

164.005 Governor's Postsecondary Education Nominating Committee -- Membership -- Terms -- Duties.

(1) There is established the Governor's Postsecondary Education Nominating Committee which shall consist of seven (7) members representing each of the Supreme Court districts who shall be appointed by the Governor with the consent of the House of Representatives and the Senate. If the General Assembly is not in session at the time of appointment, the consent of the General Assembly shall be obtained during the time the General Assembly next convenes.

(2) (a) In order to be eligible to serve on the Governor's Postsecondary Education Nominating Committee, a member at the time of appointment shall have no conflict of interest pursuant to KRS 45A.340. In addition, no member shall have a relative employed by a public postsecondary institution, the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Kentucky Higher Education Student Loan Corporation, or the Kentucky Authority for Educational Television during his or her tenure on the committee. No more than two (2) persons holding an undergraduate degree from the same institution of higher education shall be members of the committee.

(b) The Governor shall make the appointments so as to reflect, inasmuch as possible, equal
representation of the two (2) sexes and no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and to assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the committee, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.

(c) In selecting the members of the committee, the Governor shall solicit recommendations from each of the following:

1. Advisory Conference of Presidents;
2. Council on Postsecondary Education Student Advisory Committee;
3. Associations representing faculty from universities, technical institutions, and community colleges;
4. Associations representing university, technical institutions, and community college alumni;
5. Postsecondary education advocacy groups;
6. The Kentucky Board of Education;
7. Associations representing business and civic interests; and
8. Associations representing independent, nonprofit colleges and universities.

(3) (a) Members of the committee representing Supreme Court districts shall serve six (6) year terms and until a successor is appointed, except the initial appointments shall be as follows:

1. Two (2) members shall serve a two (2) year term;
2. Two (2) members shall serve a four (4) year term; and
3. Three (3) members shall serve a six (6) year term.

(b) The terms of the original appointees shall expire on April 14 in the year designated for the term, and the terms of each member appointed thereafter shall begin on April 15. Appointments shall be submitted to the Senate and to the House of Representatives for confirmation by February 1 in each year that a regular session of the General Assembly convenes. Each appointment shall be consented to by both chambers in order for the person to be confirmed. At the first regular meeting of the committee each fiscal year, a chairperson shall be selected by the membership.

(4) The members of the committee may be reimbursed for actual and necessary expenditures incurred in the performance of their duties. The expenses of the committee shall be paid out of the appropriation for the Governor's office.

(5) (a) The committee shall be responsible for submitting three (3) nominations from which the Governor shall select each gubernatorial appointment to a university or Kentucky Community and Technical College System governing board made pursuant to KRS 164.131, 164.321, and 164.821 and to the Council on Postsecondary Education pursuant to KRS 164.011. The
committee shall not make recommendations for alumni, faculty, and staff appointments made pursuant to KRS 164.131 and 164.821 and the student appointments made pursuant to KRS 164.131, 164.321, and 164.821. If more than one (1) equivalent gubernatorial appointment is being made to a governing board or the Council on Postsecondary Education at the same time, the committee shall submit a number of nominees equal to three (3) times the number of vacancies. The committee shall provide to the Governor, inasmuch as possible, an equal number of male and female nominees. If the Governor needs nominees of a particular sex in order to make an appointment, the committee shall only provide nominees of that sex. The Governor shall select the appointees from among the nominees.

(b) The committee shall be responsible for submitting three (3) nominations from which the Governor shall select each gubernatorial appointment to the Kentucky Authority for Educational Television made pursuant to KRS 168.040, the Kentucky Higher Education Assistance Authority pursuant to KRS 164.746, and the Kentucky Higher Education Student Loan Corporation pursuant to KRS 164A.050. If more than one (1) appointment is being made at the same time, the committee shall submit a number of nominees equal to three (3) times the number of vacancies. The Governor shall select the appointees from among the nominees.

(c) Nominations shall be made thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. The Governor shall make the appointment within sixty (60) days following receipt of the nominations. If the Governor does not make the appointment within sixty (60) days, the committee shall select one (1) of the nominees to serve.

(6) In making its nominations, the committee shall consider the needs of the respective institutions, locate potential appointees, review candidates' qualifications and references, conduct interviews, and carry out other search and screening activities as necessary.

(7) The Governor's office staff shall provide support services for the committee.

Effective: June 24, 2003


164.0053 Prohibited appointments -- Ineligibility to serve on council or governing board -- Conflicts of interest.

(1) No appointing authority shall appoint himself or his spouse, or the Governor or his spouse, to a governing board of a postsecondary institution created pursuant to KRS 164.131, 164.321, or 164.821, or to the Council on Postsecondary Education created pursuant to KRS 164.011.

(2) No full-time employee of a public institution of postsecondary education shall be eligible to serve on the Council on Postsecondary Education or on the governing board of another institution of postsecondary education, except the community and technical college faculty and nonteaching
personnel serving on the board of regents for the Kentucky Community and Technical College System, and except the faculty member appointed under KRS 164.011(3).

(3) No postsecondary institution shall award an honorary degree to a sitting governor.

(4) All governing board members created pursuant to KRS 164.131, 164.321, and 164.821 and the members of the Council on Postsecondary Education shall have no conflict of interest pursuant to KRS 45A.340, except for compensation paid to faculty, staff, or student members.

Effective: May 30, 1997


Council on Postsecondary Education

164.011 Council on Postsecondary Education -- Membership -- Terms -- Persons who shall serve in advisory capacity.

(1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members shall be confirmed by the Senate and the House of Representatives under KRS 11.160, and the commissioner of education shall serve as a nonvoting ex officio member. Citizen council members shall be selected from a list of nominees provided to the Governor under the nominating process set forth in KRS 164.005. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Education Nominating Committee shall submit nominations to the Governor as set forth in KRS 164.005. On making appointments to the council, the Governor shall assure broad geographical and political representation; assure equal representation of the two (2) sexes, inasmuch as possible; assure no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration; and assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the council, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex. No more than two (2) members of the council shall hold an undergraduate degree from any one (1) Kentucky university, and no more than three (3) voting members of the council shall reside in any one (1)
judicial district of the Kentucky Supreme Court as of the date of the appointment. However, change in residency after the date of appointment shall not affect the ability to serve.

(3) One (1) member shall be a full-time faculty member employed at a state institution of postsecondary education. The faculty member shall be appointed to a four (4) year term by the Governor from a list of three (3) nominees selected and submitted by majority vote of the ten (10) faculty members who serve as faculty representatives of the boards of trustees and boards of regents of the nine (9) postsecondary education institutions.

(4) One (1) member shall be enrolled as a full-time student at a state institution of postsecondary education and shall be selected annually in the following manner: not later than June 1 of each year the eight (8) student body presidents of the four (4) year state public institutions of higher education and the two (2) student members to the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall elect by majority vote three (3) nominees to submit to the Governor. From this list of nominees, the Governor shall appoint a student member.

(5) In filling any vacancies, the Governor shall ensure the continuing representation upon the council of the broad constituencies as set forth in subsection (2) of this section. Vacancies on the council shall be filled for the unexpired term in accordance with the procedures established for the original appointments.

(6) Each citizen member shall serve a term of six (6) years, except the initial appointments shall be as follows:
   (a) Two (2) appointments shall expire December 31, 1997;
   (b) Three (3) appointments shall expire December 31, 1998;
   (c) Two (2) appointments shall expire December 31, 1999;
   (d) Two (2) appointments shall expire December 31, 2000;
   (e) Two (2) appointments shall expire December 31, 2001; and
   (f) Two (2) appointments shall expire December 31, 2002.

(7) Any person, other than the chief state school officer, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky, shall be ineligible for membership or appointment on the council during his term.

(8) The members of the council shall elect the chair and the vice chair of the council from among the council’s membership, and the chair and vice chair shall serve at the pleasure of the council. The vice chair shall serve as chair in the absence of the chair.

(9) The council shall meet at least quarterly and at other times upon the call of the chair or a majority of the council.

(10) A quorum shall be a majority of the appointive membership of the council.

(11) A quorum shall be required to organize and conduct the business of the council, except that an affirmative vote of eight (8) or more appointive members of the entire council shall be required to dismiss from employment the president of the council, and to adopt or amend the state strategic postsecondary education agenda.
(12) New appointees to the council shall not serve more than two (2) consecutive terms. Appointees after May 30, 1997, who previously served on the Council of Higher Education may serve two (2) additional full consecutive terms.

Effective: June 25, 2013


164.013 President of council -- Transfer of personnel positions.

(1) The Council on Postsecondary Education shall set the qualifications for the position of president of the council. Except for the first president appointed under subsection (2) of this section, the council shall employ a search firm and conduct a nationwide search for candidates. The search firm employed by the council shall consider, interview, and propose three (3) or more candidates for the position of president. The council may seek additional names from the search firm or from other sources.

(2) In the selection of candidates for the first president of the Council on Postsecondary Education, the Strategic Committee on Postsecondary Education shall serve as a search committee, employing a search firm for assistance. The committee shall recommend three (3) candidates to be considered by the council and shall repeat this process until it finds a satisfactory person to appoint as the first president of the council.

(3) The president shall possess an excellent academic and administrative background, have strong communication skills, have significant experience and an established reputation as a professional in the field of postsecondary education, and shall not express, demonstrate, or appear to have an institutional or regional bias in his or her actions.

(4) The president shall be the primary advocate for postsecondary education and advisor to the Governor and the General Assembly on matters of postsecondary education in Kentucky. As the primary advocate for postsecondary education, the president shall work closely with the committee and the elected leadership of the Commonwealth to ensure that they are fully informed about postsecondary education issues and that the council fully understands the goals for postsecondary education that the General Assembly has established in KRS 164.003(2).

(5) The president may design and develop for review by the council new statewide initiatives in accordance with the strategic agenda.

(6) The president shall be compensated on a basis in excess of the base salary of any president of a Kentucky public university. The council shall set the salary of the president, which shall be exempt from state employee salary limitations as set forth in KRS 64.640.

(7) The president shall be accorded a contract to serve for a term not to exceed five (5) years, which is renewable at the pleasure of the council.

(8) The president shall determine the staffing positions and organizational structure necessary to carry out the responsibilities of the council and may employ staff. All personnel positions of the Council on Higher Education, as of May 30, 1997, with the exception of the position of executive director,
shall be transferred to the Council on Postsecondary Education. All personnel shall be transferred at the same salary and benefit levels. Notwithstanding the provisions of KRS 11A.040, any person employed by the Council on Higher Education prior to May 30, 1997, may accept immediate employment with any governmental entity or any postsecondary education organization or institution in the Commonwealth and may carry out the employment duties assigned by that entity, organization, or institution.

(9) The president shall be responsible for the day-to-day operations of the council and shall report and submit annual reports on the strategic implementation plan of the strategic agenda, carry out policy and program directives of the council, prepare and submit to the council for its approval the proposed budget of the council, and perform all other duties and responsibilities assigned by state law.

(10) With approval of the council, the president may enter into agreements with any state agency or political subdivision of the state, any state postsecondary education institution, or any other person or entity to enlist staff assistance to implement the duties and responsibilities under KRS 164.020.

(11) The president shall be reimbursed for all actual and necessary expenses incurred in the performance of all assigned duties and responsibilities.

**Effective:** May 30, 1997


**164.020 Powers and duties of council.**

The Council on Postsecondary Education in Kentucky shall:

(1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;

(2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;

(3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;

(4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;

(5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and
unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;

(6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;

(7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;

(8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;

(9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;

(10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;

(11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.

(b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the
main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;

(12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;

(13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;

(14) Establish course credit, transfer, and degree components as required in KRS 164.2951;

(15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;

(16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:
(a) Consistency with the institution's mission and the strategic agenda;
(b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
(c) Elimination of unnecessary duplication of programs within and among institutions; and
(d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;

(17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;

(18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;

(19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not
meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial
progress toward meeting its equal educational opportunity goals;

(20) Ensure the coordination, transferability, and connectivity of technology among postsecondary
institutions in the Commonwealth including the development and implementation of a technology
plan as a component of the strategic agenda;

(21) Approve the teacher education programs in the public institutions that comply with standards
established by the Education Professional Standards Board pursuant to KRS 161.028;

(22) Constitute the representative agency of the Commonwealth in all matters of postsecondary
education of a general and statewide nature which are not otherwise delegated to one (1) or more
institutions of postsecondary learning. The responsibility may be exercised through appropriate
contractual relationships with individuals or agencies located within or without the Commonwealth.
The authority includes but is not limited to contractual arrangements for programs of research,
specialized training, and cultural enrichment;

(23) Maintain procedures for the approval of a designated receiver to provide for the maintenance of
student records of the public institutions of higher education and the colleges as defined in KRS
164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses
for academic credit, which cease to operate. Procedures shall include assurances that, upon proper
request, subject to federal and state laws and regulations, copies of student records shall be made
available within a reasonable length of time for a minimum fee;

(24) Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative
Research Commission for distribution to the Health and Welfare Committee;

(25) Develop in cooperation with each state postsecondary educational institution a comprehensive
orientation program for new members of the council and the governing boards. The orientation
program shall include but not be limited to the information concerning the roles of the council, the
strategic agenda and the strategic implementation plan, and the respective institution's mission,
budget, plans, policies, strengths, and weaknesses;

(26) Develop a financial reporting procedure to be used by all state postsecondary education institutions
to ensure uniformity of financial information available to state agencies and the public;

(27) Select and appoint a president of the council under KRS 164.013;

(28) Employ consultants and other persons and employees as may be required for the council's
operations, functions, and responsibilities;

(29) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers,
duties, and responsibilities as described in this section;

(30) Prepare and present by January 31 of each year an annual status report on postsecondary education
in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and
the Legislative Research Commission;

(31) Consider the role, function, and capacity of independent institutions of postsecondary education in
developing policies to meet the immediate and future needs of the state. When it is found that
independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;

(32) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;

(33) Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term;

(34) Establish a statewide mission for adult education and develop a twenty (20) year strategy, in partnership with the Kentucky Adult Education Program, under the provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult population. The council shall:
(a) Promote coordination of programs and responsibilities linked to the issue of adult education with the Kentucky Adult Education Program and with other agencies and institutions;
(b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;
(c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;
(d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the Collaborative Center for Literacy Development: Early Childhood through Adulthood; and
(e) Administer the adult education and literacy initiative fund created under KRS 164.041;

(35) Participate with the Kentucky Department of Education, the Kentucky Board of Education, and postsecondary education institutions to ensure that academic content requirements for successful entry into postsecondary education programs are aligned with high school content standards and that students who master the high school academic content standards shall not need remedial courses. The council shall monitor the results on an ongoing basis;

(36) Cooperate with the Kentucky Department of Education and the Education Professional Standards Board in providing information sessions to selected postsecondary education content faculty and teacher educators of the high school academic content standards as required under KRS 158.6453(2)(j);

(37) Cooperate with the Office for Education and Workforce Statistics and ensure the participation of the public institutions as required in KRS 151B.133; and
(38) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

Effective: July 15, 2014


Legislative Research Commission Note (3/25/2009) The Reviser of Statutes has altered the numbering of subsections (35), (36), and (37) of this statute from the way it appeared in 2009 Ky. Acts ch. 101, sec. 13, under the authority of KRS 7.136(1)(c).

164.0203 Strategic agenda -- Strategic implementation plan -- Benchmarks -- Review of goals and plan.

(1) The Council on Postsecondary Education shall adopt a strategic agenda that identifies specific short-term objectives in furtherance of the long-term goals established in KRS 164.003(2).

(2) (a) The purpose of the strategic agenda is to further the public purposes under KRS 164.003 by creating high-quality, relevant, postsecondary education and adult education opportunities in the Commonwealth. The strategic agenda shall:

1. Serve as the public agenda for postsecondary education and adult education for the citizens of the Commonwealth, providing statewide priorities and a vision for long-term economic growth;

2. State those important issues and aspirations of the Commonwealth's students, employers, and workforce reflecting high expectations for their performance and the performance of the educational institutions and providers that serve them; and

3. Sustain a long-term commitment for constant improvement, while valuing market-driven responsiveness, accountability to the public, technology-based strategies, and incentive-based motivation.

(b) The council shall develop a strategic implementation plan, which may be periodically revised, to achieve the strategic agenda. The strategic agenda shall serve as a guide for institutional plans and missions.

(3) The framework for the strategic implementation plan of the strategic agenda shall include the following elements:
(a) A mission statement;
(b) Goals;
(c) Principles;
(d) Strategies and objectives;
(e) Benchmarks; and
(f) Incentives to achieve desired results.

(4) The implementation plan for the strategic agenda shall take into consideration the value to society of a quality liberal arts education and the needs and concerns of Kentucky's employers.

(5) The council shall develop benchmarks using criteria that shall include but not be limited to:
   (a) Use of the statistical information commonly provided by governmental and regulatory agencies or specific data gathered by authorization of the council;
   (b) Comparison of regions and areas within the Commonwealth and comparisons of the Commonwealth to other states and the nation; and
   (c) Measures of educational attainment, effectiveness, and efficiency, including but not limited to those set forth in KRS 164.095.

(6) The council shall review the goals established by KRS 164.003(2) at least every four (4) years and shall review its implementation plan at least every two (2) years.

(7) In developing the strategic agenda, the council shall actively seek input from the Department of Education and local school districts to create necessary linkages to assure a smooth and effective transition for students from the elementary and secondary education system to the postsecondary education system. Upon completion of the strategic agenda and strategic implementation plan, the council shall distribute copies to each local school district.

(8) The strategic agenda shall include a long-term strategy, developed in partnership with the Kentucky Adult Education Program, for raising the knowledge and skills of Kentucky's adult population, and ensuring lifelong learning opportunities for all Kentucky adults, drawing on the resources of all state government cabinets and agencies, business and civic leadership, and voluntary organizations.

   Effective: July 12, 2006

164.0205 Role of council with respect to program created by KRS 158.798.
The Council on Postsecondary Education in Kentucky shall promote, support, and assist in the program created in KRS 158.798 by:

(1) Identifying college students who have a superior academic aptitude or achievement in math, science, and technology related course work to participate in this program;
(2) Educating higher education institutions as to the availability of this program and encouraging participation by administrators, faculty, and students;
(3) Establishing liaison and assisting in the coordination of any specific program component which involves college-level internships, scholarships, or career development.

Effective: May 30, 1997


164.021 Advisory Conference of Presidents.
The president or chief executive officer of each four (4) year state institution of higher learning, the president of the Kentucky Community and Technical College System, and the president of the Association of Independent Kentucky Colleges and Universities shall serve on an advisory conference for the Council on Postsecondary Education. The Advisory Conference of Presidents will receive the full agenda for each meeting of the council a reasonable time prior to the council meeting and, in the event of viewpoints differing from the Council on Postsecondary Education, an elected spokesperson for the conference may meet with the council and the executive committee to present before the council the institutional positions on such issues. At least once each year the Council on Postsecondary Education will meet with the Advisory Conference of Presidents.

Effective: July 15, 2002


164.0211 Board of Student Body Presidents.
(1) The student body president of each four (4) year public university, the two (2) student regents to be designated by the board of regents of the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall serve on an advisory board to be known as the Board of Student Body Presidents. The student body president representing the independent colleges and universities shall be selected under a process established by the Association of Independent Kentucky Colleges and Universities.

(2) The Board of Student Body Presidents shall advise the legislative and executive branches regarding postsecondary education issues and concerns of students.

(3) At least once each year, the Board of Student Body Presidents shall meet with the Council on Postsecondary Education and the Advisory Conference of Presidents.

(4) The Board of Student Body Presidents shall submit the names of three (3) nominees to the Governor for consideration in the appointment of a student member to the Council on Postsecondary Education pursuant to KRS 164.011.

Effective: June 25, 2013

KCTCS BOARD OF REGENTS POLICIES

164.027 Occupational qualification development program -- State payments to participating municipal junior colleges.

(1) The Council on Postsecondary Education shall have authority to provide for a program of occupational qualification development in the Commonwealth. The program may be provided for by contract with any recognized and accredited municipal junior college located within the Commonwealth. The contract shall provide that the college shall admit to its course of instruction, up to such percentage of its full teaching capacity as may be fixed by contract, residents of the Commonwealth who make application to pursue the course of study of the college; provided, however, that the persons shall be classified as residents according to council administrative regulations and shall be eligible for admissions to the junior college.

(2) The Council on Postsecondary Education shall pay to the college not more than two hundred dollars ($200) per school year for each student enrolled. The payments shall be additional to the annual tuition fees paid by each student. The council shall have authority to provide by contract that it pay the expense of specific research projects or programs conducted by the college. The council shall make an annual report of its occupational qualification development program after June 30 of each year, including an accounting of all moneys received and disbursed. The council shall have no authority to incur any obligation in excess of the sums that have been appropriated to it.

Effective: May 30, 1997


164.028 Office of Professional Education Preparation Programs.

There shall be established in the Council on Postsecondary Education an Office of Professional Education Preparation Programs. The office shall have as its principal responsibility the coordination, development, and implementation, through appropriate means, of educational activities directed toward solving the problem of professional manpower distribution in the Commonwealth. For the purposes of KRS 164.028 to 164.029, the words "profession" and "professional" mean medicine and dentistry.

Effective: May 30, 1997


164.0282 Duties of Council on Postsecondary Education as to professional education preparation programs.

The Council on Postsecondary Education shall:

(1) Employ a director and sufficient staff to administer the professional education preparation programs;
(2) Formulate guidelines and policies governing program activities and fund expenditures;
(3) Allocate funds to appropriate agencies, organizations, and institutions for the purpose of conducting activities approved in accordance with guidelines and policies;
(4) Recognize regional groups made up of professionals, educators, and consumers, which shall serve in an advisory capacity to the council in accordance with guidelines and policies;

(5) Recognize a group made up of professionals, educators, and consumers which shall serve in an advisory capacity to the council on all program matters;

(6) Develop and maintain a mechanism for evaluating the impact of the program activities on admissions to, and graduation from, professional schools, and on professional manpower distribution;

(7) Conduct specific program activities which are beyond the capability of a single institution, agency, or organization, or when it is determined that it would be inappropriate for such institutions, agencies, or organizations to conduct the activity;

(8) Establish liaison with and provide assistance to the Kentucky Board of Education in developing counseling and other related programs to encourage students from shortage areas to prepare for professional careers;

(9) Coordinate the development of a financial support system to enable potential professional students in underserved areas which will enhance their ability to apply for, be admitted to, and graduate from professional education programs;

(10) Report at least annually to the appropriate committees and interim committees of the General Assembly on the operation of the program.

**Effective:** May 30, 1997


164.029 **Recognition of Area Health Education System.**

The Area Health Education System in the Council on Postsecondary Education is hereby recognized.

**Effective:** May 30, 1997


164.030 **Regulations of council to be followed by state postsecondary educational institutions.**

The governing board of each of the state postsecondary educational institutions shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Postsecondary Education in regard to curricular offerings, entrance fees, and qualifications for admission to and reports from their respective institutions.

**Effective:** May 30, 1997

164.035 **Needs assessment for adult education and workforce development.**
The Council on Postsecondary Education, in consultation with the Kentucky Adult Education Program and the Collaborative Center for Literacy Development: Early Childhood through Adulthood, shall assess the need for technical assistance, training, and other support to assist in the development of adult education and workforce development that support the state strategic agenda and that include a comprehensive coordinated approach to education and training services. The council shall promote the involvement of universities; colleges; technical institutions; elementary and secondary educational agencies; labor, business, and industry representatives; community-based organizations; citizens’ groups; and other policymakers in the development of the regional strategies.

**Effective:** July 12, 2006  

164.037 **Standardized degree programs.**
The Council on Postsecondary Education may identify academic programs offered at institutions to which the criteria for a standardized degree program shall be applied.

1. If the council determines that a particular degree program offered by any state postsecondary institution shall be a standardized degree program, then the council shall direct each institution offering the degree program to collaborate under the direction of the council and establish the courses and the course content required for that degree program.

2. If the various institutions cannot agree upon the courses required or the content of the courses, then the council shall make these determinations.

3. All courses approved for a standardized degree shall be transferable among all institutions granting that degree.

**Effective:** May 30, 1997  

164.050 **Compensation and expenses of members.**
The members of the Council on Postsecondary Education shall receive one hundred dollars ($100) per day for each council meeting attended and shall be reimbursed for their necessary traveling and other expenses while attending the meetings of the council, except a member who resides outside the Commonwealth shall not be reimbursed for out-of-state travel. Each institution shall pay the expenses of its own representatives. The expenses of the chief state school officer shall be paid by the state in the same manner as his other traveling expenses are paid.

**Effective:** May 30, 1997  
164.070  **Place of meeting.**
The council shall meet in the office of the president or such other place as it designates.

**Effective:**  May 30, 1997


164.095  **Postsecondary education accountability process -- Annual accountability report.**

(1) As used in this section, unless the context requires otherwise:

(a) "Disability" means hard of hearing, including deafness; speech or language impairment; visual impairment, including blindness; orthopedic impairment; other health impairment that substantially limits a major life activity; or specific learning problem.

(b) "Institution" means public universities, their subdivisions, and the Kentucky Community and Technical College System.

(2) It is the intent of the General Assembly that an accountability process be implemented which provides for a systematic ongoing evaluation of quality and effectiveness in Kentucky postsecondary educational institutions and to provide a method for evaluating each institution's progress toward meeting specific goals, principles, strategies, objectives, and benchmarks as set forth in the strategic agenda established in KRS 164.0203. It is further the intent of the General Assembly that the accountability process monitor performance at the institutions in each of the major areas of instruction, research, and public service, while recognizing the individual missions of each of the institutions. The accountability process shall provide for the adoption of systemwide and individual performance goals with standards identified with the advice of the postsecondary educational institutions and the Council on Postsecondary Education.

(3) The Council on Postsecondary Education shall develop and implement a system of accountability for the postsecondary education institutions that measures:

(a) Educational quality and educational outcomes;

(b) Student progress in the postsecondary system;

(c) Research and service activities;

(d) Use of resources;

(e) Other performance or outcomes that support the achievement of the strategic agenda, including involvement in quality enhancement of elementary and secondary education; and

(f) Other indicators as deemed appropriate by the Council on Postsecondary Education.

(4) The Council on Postsecondary Education shall collect information, maintain a comprehensive database, and publish reports on the condition of the postsecondary education system that include but are not limited to student enrollments, utilization of facilities, and the finances of the institutions.

(5) The Council on Postsecondary Education shall submit to the Governor and the Legislative Research Commission an annual accountability report providing information on the implementation of
Institutions of Higher Learning

164.281 Public institution of postsecondary education criminal history background checks -- Initial hires, contractors, employees, volunteers, visitors -- Disclosures -- Termination.

(1) Each public institution of postsecondary education shall require a criminal history background check on all initial hires.

(a) The background check shall consist of a state criminal history background check and a national criminal history background check.

(b) Applications shall authorize the appropriate agency to search police records for convictions and make results known to the institution, and the institution may require the applicant to bear the cost of the criminal history background check.

(2) Each public institution of postsecondary education may require a criminal history background check on a contractor, employee of a contractor, volunteer for the institution or a program of the institution, or visitor, subject to the same terms and conditions as in subsection (1) of this section.

(3) If, upon review of the results of the criminal history background check, a public institution of postsecondary education finds that the applicant, contractor, employee of a contractor, volunteer, or visitor has been convicted of, pled guilty to, or entered an Alford plea to a sex crime as specified in KRS 17.500 or a violent offense as specified in KRS 439.3401, the institution may:

(a) Deny employment or modify the conditions of employment to provide for appropriate supervision;

(b) Deny a contractor or a contractor's employee a permit to enter the institution or its grounds, or modify the contract to provide for appropriate supervision;

(c) Prohibit a person from volunteering or require the person to agree to appropriate supervision; or

(d) Prohibit a person from visiting the institution or its grounds, or require that person to agree to appropriate supervision.

(4) Each application or renewal form, provided by the institution to an applicant for employment, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT."

(5) If the institution requires a criminal history background check for contractors, employees of contractors, volunteers, or visitors, the institution shall provide to the prospective person or organization the following statement: "FOR THIS TYPE OF CONTRACT OR FOR BEING AN
EMPLOYEE OF A CONTRACTOR, A VOLUNTEER FOR THE INSTITUTION OR AN INSTITUTIONAL PROGRAM, OR A VISITOR OF THE INSTITUTION, THIS INSTITUTION REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK."

(6) If an employee of the public institution of postsecondary education is convicted of, pleads guilty to, enters an Alford plea to, or is adjudicated guilty of an offense specified in subsection (3) of this section, the employment of that person may, at the discretion of the institution, be terminated as of the date of the conviction.

(7) A private college or university located in the Commonwealth may utilize at its discretion any of the provisions of this section, providing that it does so in a written institutional document.

Effective: July 12, 2006

164.282  Hepatitis B information to be provided to first-time students.

(1) All public and independent postsecondary education institutions shall provide first-time, full-time students with information about hepatitis B disease. The information shall include:

   (a) Symptoms and treatment;
   (b) The risk factors associated with hepatitis B acquisition and transmission; and
   (c) Current recommendations from the United States Centers for Disease Control and Prevention, or the American College Health Association regarding the availability and effectiveness of a hepatitis B vaccination.

(2) Nothing in this section shall be construed to require the Cabinet for Health and Family Services or the postsecondary institutions to provide or purchase vaccinations for hepatitis B.

Effective: June 20, 2005

164.283  Student academic records confidential -- Exceptions.

(1) As used in this section unless the context otherwise requires:

   (a) "Academic" means a student's official record of academic performance, including, but not limited to transcript of grades or other action taken by the institution directly related to academic performance. The term "academic" does not include any nonacademically-related action the institution may take.
   (b) "Universities and colleges" means all state supported postsecondary educational institutions in Kentucky.
   (c) "Institution" means all public supported institutions of higher learning in Kentucky.

(2) All student academic records shall be confidential and shall not require a student's Social Security number to identify the student, with the exception of the exemptions stated in subsections (3) to (9) of this section, and shall not be released by any public supported institution of higher education in
Kentucky, to any person, organization, institution, group, or agency, except with the express consent of the individual student. This confidentiality shall apply only to student academic records, including, but not limited to, official transcript of grades.

(3) All student academic records shall be made available upon request to any agency of the federal or state government for the purpose of determining a student's eligibility for military service and shall include making such records available to local draft boards. This authority shall be limited only to determining the student's eligibility for military service and shall not be extended, except with the individual student's consent as specified in subsection (2) of this section.

(4) Any institution may provide the legal parents of any student under twenty-one (21) years of age with a copy of the student's academic record.

(5) All student academic records shall be made available to any federal, state, or local law enforcement agency, the Department of Juvenile Justice, and any court of law upon written request.

(6) All student academic records shall be made available upon request to any grantor of scholarships or loans based upon the maintenance of a satisfactory level of scholarship, but shall be for the official use of the grantors only.

(7) All student academic records shall be made available upon request to a public or private junior college from which the individual student was graduated or to a public or private secondary school from which the individual student was graduated.

(8) All student academic records shall be made available upon request to the Council on Postsecondary Education for professional academic research.

(9) All student academic records shall be made available upon request to any official of the university or college in which the student is enrolled who is directly concerned with the student's academic progress. This authority shall include but is not limited to the individual student's academic adviser.

(10) This section shall be applicable to all academic records maintained by all public postsecondary educational institutions in Kentucky.

Effective: July 15, 1998


164.284 Waiver of tuition and fees for person sixty-five or older -- Conditions.

(1) When any person sixty-five (65) years of age or older, who is a resident of the Commonwealth, is admitted and enrolls as a student in any state-supported institution of higher learning in this Commonwealth, the board of trustees of the institution or other appropriate institution officials shall waive all tuition charges and fees for such student, except as provided in subsection (2) of this section.

(2) In the event that classes are full or the granting of free admission requires additional units, the institution may deny admission under this section.

164.2841 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter killed in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants who died as a result of duty-related injury -- Limitation.

(1) (a) Any person whose parent or any nonmarried widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter and who was killed while in active service or training for active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution. The provisions of this subsection shall apply to any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter.

(b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.

(2) (a) Any person whose parent or any nonmarried widow or widower whose spouse was an employee participating in a state-administered retirement system, and not otherwise covered by subsection (1) of this section, and who died as a result of a duty-related injury as described in KRS 61.621 shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution.

(b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the employing agency or the appropriate retirement system.

(3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.

Effective: June 26, 2007

164.2842 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter permanently and totally disabled in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants disabled as a result of duty-related injury.

(1) (a) The spouse, regardless of age, and any child of a permanently and totally disabled law enforcement officer, firefighter, or volunteer firefighter injured while in active service or in training for active service, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(b) For the spouse or child to be entitled to benefits under this section, the disabled law enforcement officer, firefighter, or volunteer firefighter shall be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the disabled, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, or if deceased, the claim to benefits is to be based on the rating held by the law enforcement officer, firefighter, or volunteer firefighter at the time of death. The parent's or spouse's service and rating shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.

(c) In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.

(d) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
(e) To entitle a spouse or child to benefits under this section the disabled law enforcement officer, firefighter, or volunteer firefighter shall have been a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter.

(2) (a) The spouse, regardless of age, and any child of a person who was an employee participating in a state-administered retirement system and not otherwise covered by subsection (1) of this section and who was disabled as a result of a duty-related injury as described in KRS 61.621, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(b) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.

(3) The marriage of an eligible child shall not serve to deny full entitlement to the benefits provided in this section.

Effective: July 15, 2010

164.2844 Tuition rates for nonresident veterans at Kentucky's public universities.
Notwithstanding KRS 164.020(8), the governing board of a Kentucky public university may adopt a tuition policy whereby any veteran of the Armed Forces of the United States or National Guard who is eligible for Post-9/11 GI Bill benefits who enrolls as a student in the university as a non-Kentucky resident is charged no more than the maximum tuition reimbursement provided under the Post-9/11 GI Bill to public universities for eligible Kentucky residents.

Effective: June 8, 2011

164.2847 Waiver of tuition and mandatory student fees for Kentucky foster or adopted children.
(1) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky foster or adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if:

(a) The student's family receives state-funded adoption assistance under KRS 199.555;

(b) The student is currently committed to the Cabinet for Health and Family Services under KRS 610.010(5) and placed in a family foster home or is placed in accordance with KRS 605.090(3);
(c) The student is in an independent living program and the placement is funded by the Cabinet for Health and Family Services;
(d) The student who is an adopted child was in the permanent legal custody of and placed for adoption by the Cabinet for Health and Family Services. A student who meets the eligibility criteria of this paragraph and lives outside of Kentucky at the time of application to a Kentucky postsecondary institution may apply for the waiver up to the amount of tuition for a Kentucky resident; or
(e) The Cabinet for Health and Family Services was the student's legal custodian on his or her eighteenth birthday.

(2) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Department of Juvenile Justice foster child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution and obtains a recommendation for participation from an official from the Department of Juvenile Justice, and if:
(a) The student has not been sentenced to the Department of Juvenile Justice under KRS Chapter 640;
(b) The student has been committed to the Department of Juvenile Justice for a period of at least twelve (12) months;
(c) The student is in an independent living program and placement is funded by the Department of Juvenile Justice;
(d) The parental rights of the student's biological parents have been terminated; or
(e) The student was committed to the Cabinet for Health and Family Services prior to a commitment to the Department of Juvenile Justice.

(3) Upon request of the postsecondary institution, the Cabinet for Health and Family Services shall confirm the eligibility status under subsection (1) of this section and the Department of Juvenile Justice shall confirm the eligibility status and recommendations under subsection (2) of this section of the student seeking to participate in the waiver program. Release of this information shall not constitute a breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

(4) The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance, except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C. sec. 1087ll, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.

(5) The student shall be eligible for the tuition waiver:
(a) For entrance to the institution for a period of no more than four (4) years after the date of graduation from high school; and
(b) For a period of five (5) years after first admittance to any Kentucky institution if satisfactory progress is achieved or maintained, except when extended in accordance with subsection (6) of this section.
The expiration of a student's five (5) year eligibility under subsection (5)(b) of this section shall be extended upon a determination by the institution that the student was unable to enroll for or complete an academic term due to serving:
(a) On active duty status in the United States Armed Forces;
(b) As an officer in the Commissioned Corps of the United States Public Health Service; or
(c) On active service in the Peace Corps Act or the Americorps. The original expiration date shall be extended by the total number of years during which the student was on active duty status. The number of months served on active duty status shall be rounded up to the next higher year to determine the maximum length of eligibility extension allowed.

The Cabinet for Health and Family Services shall report the number of students participating in the tuition waiver program under subsection (1) of this section and the Department of Juvenile Justice shall report the number of students participating in the tuition waiver program under subsection (2) of this section on October 1 each year to the Council on Postsecondary Education and the Legislative Research Commission.

The Council on Postsecondary Education shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by November 30 each year to the Legislative Research Commission.

Nothing in this section shall be construed to:
(a) Guarantee acceptance of or entrance into any postsecondary institution for a foster or adopted child;
(b) Limit the participation of a foster or adopted student in any other program of financial assistance for postsecondary education;
(c) Require any postsecondary institution to waive costs or fees relating to room and board; or
(d) Restrict any postsecondary institution, the Department of Juvenile Justice, or the Cabinet for Health and Family Services from accessing other sources of financial assistance, except loans, that may be available to a foster or adopted student.

Effective: July 15, 2014


164.2865 Legislative findings and declarations relating to meningococcal meningitis disease.
The General Assembly hereby finds and declares that:
(1) Meningococcal meningitis disease is a potentially fatal infectious and contagious bacterial disease that can be spread by coughing and sharing drinking glasses;
(2) Since the disease often presents itself with flu-like symptoms, many victims of the disease die before it is even diagnosed. From 1991 to 1997, the cases of meningococcal meningitis disease in young adults fifteen (15) to twenty-four (24) years of age nearly doubled;
(3) Survivors of meningococcal meningitis disease may have severe after-effects of the disease, including an intellectual disability, hearing loss, and loss of limbs; 

(4) College freshmen residing on campus in dormitories or residence halls have a risk of meningococcal meningitis disease over seven (7) times higher than do college students overall; 

(5) The meningococcal meningitis disease vaccine has been shown to be eighty-five percent (85%) to ninety percent (90%) effective in producing antibodies against the most common strains of the disease; and 

(6) The Centers for Disease Control and Prevention (CDC) recommends that college freshmen and their parents be educated about meningococcal meningitis disease and that vaccination should be made easily available to freshmen and undergraduate students who want to reduce their risk of disease.

**Effective:** July 15, 2010  

### 164.2867 Provision of vaccination information regarding meningococcal meningitis disease to postsecondary students.

(1) Each public or private educational institution that offers a postsecondary degree and has a residential campus shall provide vaccination information on meningococcal meningitis disease to full-time students living in resident housing. 

(2) The vaccination information shall be contained in the student housing or enrollment application or lease document and shall include a space for the student to indicate whether or not the student has received the vaccination against meningococcal meningitis disease. If institutions provide electronic enrollment or registration to first-time students, the information required by this section may be provided or collected electronically. 

(3) Vaccination information about meningococcal meningitis disease shall include detailed information on the risks of the disease and any recommendations issued by the National Centers for Disease Control and Prevention. 

(4) The vaccination information obtained under this section that is in the possession of the educational institution is confidential and shall not be a public record. 

(5) This section shall not be construed to require the educational institution or the Cabinet for Health and Family Services to provide or pay for the meningococcal meningitis disease vaccination.

**Effective:** June 20, 2005  

### 164.287 Motor vehicle liability insurance -- Conditions.

Each board of regents or trustees of the public postsecondary educational institutions is authorized to provide for liability and indemnity insurance against the negligence of drivers or operators of motor vehicles or other mobile equipment owned or operated by the board. If the transportation of members of the student bodies is let out under contract, the contract shall require the contractor to carry indemnity or
liability insurance against negligence in such amount as the board designates. In either case the indemnity bond or insurance policy shall be issued by some surety or insurance company authorized to transact business in this state, and shall bind the company to pay any final judgment not to exceed the limits of the policy rendered against the insured for loss or damage to property of any student or other person, or death or injury of any student or other person.

Effective: May 30, 1997


164.2871 Liability insurance for governing board members, faculty, and staff -- Retirement annuity allowances exemption -- Taxability after December 31, 1997 -- Purchase of insurance not waiver of immunity -- Self-insured employer group health plan.

(1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.

(2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.

(3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.

(4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall conform to the requirements of subtitle 32 of KRS Chapter 304 and shall be exempt from conformity with subtitle 17A of KRS Chapter 304.

Effective: May 30, 1997

164.288  Power of state postsecondary education institutions to accept federal aid.

Any of the state postsecondary educational institutions or the state on behalf of any of the institutions may accept federal aid in the form of services, equipment, supplies, materials, or funds by way of gift, grant, or loan for the purpose of higher education, including student loans. Any of the institutions acting through its president or its governing board is hereby authorized to receive such services, equipment, supplies, materials, and funds as are available. The institutions are authorized to use funds appropriated to them in carrying out the matching provisions required by federal programs, loans, or grants.

Effective:  May 30, 1997


164.289  Faculty member's power to vote.

Notwithstanding any other provision of KRS Chapter 164, the faculty member of any governing board of any postsecondary educational institution supported in whole or in part by state funds, whether or not described as nonvoting, shall have the right to vote on all matters except that of faculty compensation.

Effective:  May 30, 1997


164.2891  Faculty voting member of board of trustees or regents.

Any university or postsecondary educational institution under the jurisdiction of the Council on Postsecondary Education may have a faculty member as a voting member of its board of trustees or regents.

Effective:  May 30, 1997


State Colleges and Universities

164.295  Programs of state and comprehensive universities -- Advanced practice doctoral programs that may be offered -- Review and approval process.

(1) The six (6) state universities:

(a) Shall provide, upon approval of the Council on Postsecondary Education, associate and baccalaureate programs of instruction;

(b) Shall provide, upon approval of the Council on Postsecondary Education, graduate programs of instruction at the master's-degree level in education, business, and the arts and sciences, specialist degrees, and programs beyond the master's-degree level to meet the requirements for teachers, school leaders, and other certified personnel; and
(c) Shall provide research and service programs directly related to the needs of their primary geographical areas.

(2) A comprehensive university may provide:

(a) Programs of a community college nature in their own community comparable to those listed for the Kentucky Community and Technical College System, as provided in KRS 164.580;

(b) Upon approval of the Council on Postsecondary Education, an advanced practice doctoral program in nursing in compliance with KRS 314.111 and 314.131; and

(c) Upon approval of the Council on Postsecondary Education, one (1) or more additional advanced practice doctoral programs in accordance with subsection (3) of this section.

(3) A maximum of eighteen (18) advanced practice doctoral programs may be offered by the six (6) comprehensive universities, with each of the comprehensive universities assured an opportunity to offer a minimum of two (2) advanced practice doctoral programs. The maximum of eighteen (18) advanced practice doctoral programs shall include programs approved under subsection (2)(b) of this section and Ed.D. programs approved under subsection (1)(b) of this section. Upon approval of the eighteenth advanced practice doctoral program, or the expiration of five (5) years from July 12, 2012, whichever occurs first, the Council on Postsecondary Education, in consultation with the Advisory Conference of Presidents, shall assess the review and approval process required by subsection (4) of this section. As part of this assessment, the council shall determine whether the process is meeting the requirements set forth in administrative regulations required by subsection (5) of this section. Upon completion of the assessment, the council may, with the unanimous consent of the Advisory Conference of Presidents, retain the current maximum or recommend a new maximum for consideration of the General Assembly during a regular session of the legislature.

(4) The Council on Postsecondary Education, in consultation with the Advisory Conference of Presidents pursuant to KRS 164.021, shall develop criteria and conditions upon which an advanced practice doctoral degree program may be approved. The criteria shall include but not be limited to a determination of the academic and workforce needs for a program, consideration of whether the program can be effectively delivered through a collaborative effort with an existing program at another public university within the Commonwealth, and the capacity of a university to effectively offer the program. A university requesting approval of an advanced practice doctoral program shall be required to provide assurance that funding for the program will not impair funding of any existing program at any other public university. The university shall make an annual report to the council identifying the full cost of and all funding sources for each approved doctoral program and the performance of each approved program. Nothing in this subsection shall prohibit the council from approving a doctoral program under consideration at a comprehensive university prior to the effective date of the administrative regulations required by subsection (5) of this section, provided that the council determines that the conditions and criteria set out in this subsection have been met.

(5) The council shall promulgate administrative regulations setting forth the agreed-on criteria and conditions identified under subsection (4) of this section.
(6) The council shall submit the approval process to the Interim Joint Committee on Education by October 15, 2011.

(7) The council shall, with the unanimous consent of the members of the Advisory Conference of Presidents pursuant to KRS 164.021, make a recommendation to the Interim Joint Committee on Education as to whether any portion of subsection (2) or (3) of this section should be amended.

(8) A comprehensive university shall not:

(a) Offer the terminal degrees of Doctor of Philosophy, Doctor of Musical Arts, or first professional degrees in the fields of architecture, medicine, dentistry, pharmacy, law, or engineering. The existing school of law at Northern Kentucky is exempted from the requirements of this paragraph; or

(b) Describe itself in official publications or in marketing materials as a research university or research institution. Nothing in this paragraph shall be construed as precluding a comprehensive university from conducting basic, applied, or translational research.

Effective: July 12, 2012


164.296 Vocational and nonvocational programs at state universities -- Joint programming -- Review of programs below associate level.

Vocational and nonvocational programs offered at the state universities shall be operated and administered by those universities consistent with the regulations developed by the board of trustees or regents and approved by the Council on Postsecondary Education for the issuance of associate, baccalaureate, or graduate degrees. Joint programming and articulation of vocational-technical education nondegree programs with associate degree programs shall be pursued between the Kentucky Community and Technical College System and other postsecondary institutions when feasible. No public institution of higher education shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the review of the board of regents for the Kentucky Community and Technical College System and the approval of the Council on Postsecondary Education. The board of regents for the Kentucky Community and Technical College System, with approval of the Council on Postsecondary Education, may contract with public institutions of higher education for the operation of specific programs and projects.

Effective: May 30, 1997


Formerly codified as KRS 151B.115.
164.310  Boards of regents for state regional universities and Kentucky Community and Technical College System.

There shall be a board of regents for each of the state universities, to be known as the board of regents of the State University and a board of regents for the Kentucky Community and Technical College System.

Effective: May 30, 1997

164.321  Boards of Regents of Eastern Kentucky, Morehead State, Murray State, Western Kentucky, Kentucky State, Northern Kentucky Universities, and Kentucky Community and Technical College System -- Membership -- Terms.

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

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

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

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

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

3. In making initial appointments, the Governor shall act so as to provide equal representation of the two (2) sexes. In filling vacancies, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.

(2) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, except the initial appointments to the board of regents for the Kentucky Community and Technical College System shall be as follows:

(a) One (1) member shall serve a one (1) year term;
(b) One (1) member shall serve a two (2) year term;
(c) Two (2) members shall serve three (3) year terms;
(d) One (1) member shall serve a four (4) year term;
(e) One (1) member shall serve a five (5) year term; and
(f) Two (2) members shall serve six (6) year terms.

New appointees of a board of regents shall not serve for 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.

(3) The gubernatorial appointments may include one (1) graduate of the respective institution who resides outside the Commonwealth. Not more than two (2) appointed members of any board shall be residents of one (1) county. The appointments shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration. Membership on the board shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. Membership on the board shall not be incompatible with any state office. A change in residency after the date of appointment shall not affect a member's ability to serve nor shall it prevent a member's eligibility for reappointment, except a member who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each member of the board shall serve for the term for which the member is appointed and until a successor is appointed and qualified.

(6) (a) The faculty member of a comprehensive university shall be a teaching or research member of the faculty of his or her respective university of the rank of assistant professor or above. The faculty member shall be elected by secret ballot by all faculty members of his or her university of the rank of instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The faculty members of the Kentucky Community and Technical College System shall be represented by one (1) faculty member elected from the community colleges and one (1) faculty member elected from the technical institutions to serve three (3) year terms and until their successors are named. The faculty representative of each branch shall be elected by means of a process established by the board. The faculty members may be reelected but shall not serve more than two (2) consecutive terms. A faculty member shall be ineligible to continue to serve as a member of the board if he or she ceases to be a member of the faculty at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the
original election. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

(7) (a) The nonteaching personnel member in a comprehensive university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He or she shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The nonteaching personnel members in the Kentucky Community and Technical College System shall be any full-time staff member excluding a president, chancellor, vice president, academic dean, academic department chair, or other administrator. They shall represent all nonteaching employees in their respective branch institutions including, but not limited to, support and clerical personnel. One (1) member shall be a representative from the community colleges and one (1) member shall be a representative from the technical institutions. They shall serve three (3) year terms and until their successors are named. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member. The nonteaching personnel members of each branch shall be elected by means of a process established by the board. A nonteaching personnel member may be ineligible to continue to serve as a member of the board if that employee ceases to be a nonteaching employee at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(8) (a) The student member on a comprehensive university board 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 or her position as student body 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 member. 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.

(b) Two (2) full-time student members shall be elected to the board of regents for the Kentucky Community and Technical College System. One (1) shall represent students of the community colleges and one (1) shall represent the technical institutions. The student members shall be elected by means of a process established by the board. The student members shall serve one (1) year terms beginning with the first meeting of the fiscal year that contains the academic year. If the student member does not maintain his or her status as a full-time student, a special election shall be held to fill the vacancy. The two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.
(9) 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.

(10) 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 on Postsecondary Education and a finding of fact by the council.

Effective: July 15, 2010


164.330 Organization and officers of boards of regents -- Expenses.

Each board of regents shall hold its first meeting within thirty (30) days after each appointment of new members. At this meeting there shall be elected a vice chairperson and a secretary for the board. Each board shall appoint a treasurer, and such officers as it deems necessary, but no member of any of the boards shall be appointed treasurer. No member of any board shall draw any salary for his services, but shall be reimbursed for necessary expenditures made in going to and from each meeting of the board and for other legitimate expenses, except a member who resides outside the Commonwealth shall not be reimbursed for out-of-state travel. The expenses shall be paid out of the funds of the appropriate institution.

Effective: May 30, 1997


164.335 Members of General Assembly not to serve on governing boards of state postsecondary education institutions.

In addition to the qualifications provided in KRS 164.131 for members of the board of trustees of the University of Kentucky, in KRS 164.821 for members of the board of trustees of the University of Louisville, and in KRS 164.321 for members of the board of regents of other Kentucky universities and of the Kentucky Community and Technical College System, no person who is a member of either house of the Kentucky General Assembly shall serve as a member of the board of trustees or board of regents of any public institution.

Effective: May 30, 1997


164.340 Meetings of boards -- Quorum.

The governing board shall meet quarterly at the institution or at such other place as is agreed upon. Upon written request of the president of the institution or of two (2) members of the board, the chairman of the board shall call a special meeting at a place designated by him, and the board may at such special meeting
transact any or all business that it may transact at a regular meeting. A majority of the members of the board shall constitute a quorum for the transaction of business, but no appropriation of money shall be made nor any contract that requires a disbursement of money shall be authorized, and no teacher employed or dismissed, unless a majority of all the members of the board vote for it.

**Effective:** May 30, 1997


**164.350 General powers and duties of boards of regents.**

(1) The government of each of the state universities and the Kentucky Community and Technical College System is vested in its respective board of regents. Each board of regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. Each board may:

(a) Receive grants of money and expend the same for the use and benefit of the university or college;

(b) Adopt bylaws, rules, and regulations for the government of its members, officers, agents, and employees, and enforce obedience to such rules;

(c) Require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time;

(d) Determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the university or college; and

(e) Grant diplomas and confer degrees upon the recommendation of the president and faculty.

(2) Each board of regents 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.

(3) In addition to the duties required in subsections (1) and (2) of this section, the board of regents for the Kentucky Community and Technical College System, upon recommendation of the president of the system, shall:

(a) Develop and implement guidelines for the preparation of biennial budget requests by the administrators of the colleges within the system. The guidelines shall define the processes for review and approval by the boards of directors for the colleges;

(b) Adopt a biennial budget request for the Kentucky Community and Technical College System upon the recommendation of the president of the system;

(c) Adopt an allocation process for distributing funds to the colleges within the system;

(d) Consider recommendations from the boards of directors of the colleges to improve the overall budget planning and allocation processes;
(e) Designate each college with a name;

(f) Encourage and accept donations of land and funds to be used in the acquisition, construction, or operations of colleges in the system. The board may commemorate donations from private persons or corporations with suitable memorials; and

(g) Accept federal grants when deemed appropriate to be used in the acquisition, construction, or operations of colleges in the system.

The board of regents shall assure that the budget planning and implementation processes are consistent with the adopted strategic agenda and biennial budget and with the missions of the institutions within the system.

Effective: June 24, 2003


164.351 Information on preventing transmission of HIV infection to be made available to freshmen and transfer students.

(1) State colleges and universities and the Kentucky Community and Technical College System shall provide information on how to prevent the transmission of the human immunodeficiency virus consistent with the Centers for Disease Control guidelines, to all freshmen and transfer students.

(2) Each state technical institution, community college, or university shall inform students of the name and telephone number of a technical institution, community college, college, or university counselor trained to counsel persons about the human immunodeficiency virus.

Effective: May 30, 1997


164.352 Military recruiters' access to university campuses and student directory information.

If a board of trustees or regents of a public institution of postsecondary education provides access to its campus or its student directory information to persons or groups which make students aware of occupational or educational options, the boards shall provide access on the same basis to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military.

Effective: May 30, 1997


164.360 Appointment and removal of president, faculty, and employees.
KCTCS BOARD OF REGENTS POLICIES

(1) (a) Each board of regents for the universities may appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.

(b) The board of regents for the Kentucky Community and Technical College System shall appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.

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

(3) Each board may remove the president of the university or Kentucky Community and Technical College System, and upon the recommendation of the president may remove any faculty member or employees, but no president or faculty member shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president or faculty member shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a president shall be preferred by the chairperson of the board upon written information furnished to him, and charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his presence.

Effective: July 1, 2006


164.365 Governing boards to have exclusive control of employment, tenure, and official relations of employees -- Payroll deduction of employee membership organization dues for KCTCS employees.

(1) Anything in any statute of the Commonwealth to the contrary notwithstanding, the 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 Eastern Kentucky University, Western Kentucky University, Murray State University, Northern Kentucky University, and Morehead State University, as provided in KRS 164.350 and 164.360, and of Kentucky State University and the Kentucky Community and Technical College System, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

(2) The board of regents for the Kentucky Community and Technical College System shall develop personnel rules for the governing of its members, officers, agents, and employees by June 30, 1998. The board shall adopt interim policies to govern employees hired from July 1, 1997, until the permanent rules are adopted.
Upon receipt of a written authorization from an employee of the Kentucky Community and Technical College System, the board shall deduct dues from the employee's paycheck for employee membership organizations. Dues shall be deducted at a rate established by the organization, and shall be discontinued upon written notification by an employee to both the system and the employee organization. On a quarterly basis, the Kentucky Community and Technical College System shall provide to each employee membership organization an updated list that includes the names and home addresses of the employees who are having dues deducted from their paychecks for the purpose of maintaining membership in that organization.

Effective: May 30, 1997


164.367 Governing board may permit its employees to have an interest in a contract between the institution and a business -- Regulations to be forwarded to the Legislative Research Commission.

(1) For the purposes of this section, "business" has the same meaning as defined in KRS 11A.010.

(2) The governing board of each public postsecondary education institution may adopt regulations establishing the conditions under which and the procedures whereby the board may approve a specific instance of an employee having an interest in a contract between the institution and a business.

(3) Each governing board shall forward, as soon as is practicable, a copy of the regulations it adopts under provisions of this section to the Legislative Research Commission. A board shall also forward any subsequent changes to the regulations to the Commission.

Effective: June 26, 2007


164.370 Suspension or expulsion of students.

Each board of regents may invest the faculty or a representative committee of designated faculty, staff, and students with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination or immoral conduct. In every case of suspension or expulsion of a student the person suspended or expelled may appeal to the board of regents. The board of regents shall prescribe the manner and the mode of procedure on appeal. The decision of the board of regents shall be final.

Effective: July 15, 2010


164.390 Interest in contracts prohibited.

Unless specifically approved by the governing board of an institution under the provisions of KRS 164.367, no president, professor, teacher, member of the executive council, or other officer or employee shall be interested in any contract or purchase for the building or repairing of any structure or furnishing of any supplies for the use of a university or college.

Effective: June 26, 2007
164.400 Incidental expenses -- Fees.
The respective boards of regents of the state universities and colleges and the Kentucky Community and Technical College System shall establish such incidental fees and nonresident tuition fees as will be sufficient for the purpose of paying the incidental expenses of the university or college and as are consistent with the recommendations of the Council on Postsecondary Education. No money derived from nonresident tuition or other fees paid by students shall be used for any other purpose, except such amount as is over and above that needed to defray the incidental expenses.

Effective: May 30, 1997


164.410 Acquisition and sale of property -- Disposition of surplus property.
(1) The governing board of a postsecondary education institution may purchase or lease land under KRS 164A.575 for the purpose of securing the erection of buildings and may receive by any legal mode of conveyance, purchase, and hold property under KRS 164A.575 of any description that the board deems necessary for the purposes of the school, and may build and construct improvements for such purposes and hold or sell the same. If a governing board is unable to agree with the owner of the real estate as to its value, or to its purchase, it may proceed in its own name to condemn the real estate in the manner provided in the Eminent Domain Act of Kentucky. Real estate acquired by purchase or condemnation shall be paid for out of money appropriated to the institution.

(2) The governing board of each institution shall periodically review the assets of the institution and shall sell and convey under KRS 164A.575 those assets not necessary for implementing the institutional mission. Proceeds from the disposition shall be deposited in the unexpended plant fund account or in the fund for excellence authorized by KRS 164A.620.

(3) Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.

Effective: May 30, 1997


164.460 Reports of presidents.
The president of each postsecondary education institution shall make to his governing board written reports which shall contain a full account of receipts of money from all sources, amount, and purpose of
disbursements thereof, and the condition of the university or college. The reports shall be made according to a schedule established by the board.

**Effective:** May 30, 1997  

**164.465** Duty of presidents of postsecondary education institutions to distribute information to university's governing board members.

(1) The presidents of state postsecondary education institutions identified in KRS 161.220(4)(b) or 164.001(13) or (17) shall distribute the written information provided by the Office of the Attorney General and the Department for Libraries and Archives under KRS 15.257 and 171.223 to each board of regents or governing board member of their university. Distribution shall be accomplished within sixty (60) days of receiving the written information from the Office of the Attorney General and the Department for Libraries and Archives. Distribution to newly appointed members shall be accomplished within sixty (60) days of their appointment. The distribution may be by electronic means.

(2) The presidents of state public postsecondary education institutions, as identified in subsection (1) of this section, shall require signatory proof that each board of regents or governing board member has received the written information as required under subsection (1) of this section, shall maintain documentation of receipt on file, and shall certify to the Office of the Attorney General that the written information has been distributed as required.

**Effective:** July 15, 2008  

**Regional Compact**

**164.540** Council on Postsecondary Education designated agency of state for purposes of regional compact -- Commonwealth not to maintain educational institutions that are discriminatory.

(1) The Council on Postsecondary Education in Kentucky as defined in KRS 164.011 is hereby designated as the agency of the Commonwealth of Kentucky charged with the responsibility and vested with all necessary authority, subject to the conditions and restrictions set out in subsection (2) of this section, to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits, and privileges, devolving upon the Commonwealth of Kentucky and its citizens pursuant to the regional compact referred to in KRS 164.530, and to do all such other acts and things as may be necessary or desirable to implement the provisions of said regional compact efficiently and impartially for the benefit of all citizens of the Commonwealth.
(2) In its participation in the regional compact, or in any other regional plan having a similar purpose, the Commonwealth of Kentucky shall not erect, acquire, develop, or maintain in any manner any educational institution within its borders to which any student would be refused entrance on the basis of race, national origin, gender, creed, or religion.

Effective: May 30, 1997


Kentucky Community and Technical College System

164.580 Kentucky Community and Technical College System -- Curricula -- Goals -- Degree programs.

(1) The Kentucky Community and Technical College System is established. The Kentucky Community and Technical College System shall provide:

(a) A general two (2) year academic curriculum with credits transferable to two (2) year and four (4) year colleges and universities;

(b) Technical and semiprofessional programs of two (2) years or less;

(c) Within a two (2) year college curriculum, courses in general education, including adult education, not necessarily intended for transfer nor technically oriented; and

(d) Services to Kentucky's employers and the general public to provide continuing education and customized training for purposes of improving the knowledge and skills of Kentucky workers and citizens in all regions of the state.

(2) The Kentucky Community and Technical College System shall be responsive to the needs of students and employers in all regions of the Commonwealth with accessible education and training to support the lifelong learning needs of Kentucky citizens in order to:

(a) Increase the basic academic and literacy skills of adults through adult basic education and remedial education services;

(b) Increase the technical skills and professional expertise of Kentucky workers through associate and technical degrees, diploma, and certificate programs;

(c) Increase the access for students to complete the prebaccalaureate associate degree in arts or associate degree in science for ease of transfer to four (4) year institutions;

(d) Enhance the relationship of credentials between secondary and postsecondary programs which permit secondary students to enter programs through early admission, advanced placement, or dual enrollment;

(e) Facilitate transfers of credit between certificate, diploma, technical, and associate degree programs;

(f) Develop a pool of educated citizens to support the expansion of existing business and industry and the recruitment of new business and industry;
(g) Enhance the flexibility and adaptability of Kentucky workers in an everchanging and global economy through continuing education and customized training for business and industry;

(h) Promote the cultural and economic well-being of the communities throughout Kentucky; and

(i) Improve the quality of life for Kentucky's citizens.

(3) Students attending a college under the administration of the board of regents for the Kentucky Community and Technical College System may pursue three (3) kinds of degree programs:

(a) Associate degree programs approved by the board of trustees as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System;

(b) Associate degree programs developed by the Kentucky Community and Technical College System, approved by the board of regents and the Council on Postsecondary Education. The board of regents shall confer degrees and award diplomas for the approved programs; and

(c) Joint degree programs developed between the Kentucky Community and Technical College System and other institutions.

(4) University of Kentucky Community College System students who were officially enrolled on or before June 30, 1999, in associate degree programs approved by the board of trustees of the University of Kentucky and who complete the associate degree programs on or before June 30, 2004, shall have their degrees conferred by the University of Kentucky board of trustees. The degrees for all other students enrolled shall be awarded by the board of regents for the Kentucky Community and Technical College System.

(5) The board of regents for the Kentucky Community and Technical College System shall expedite, whenever possible, action on requests for any new technical or associate degree program of a vocational-technical or occupational nature.

(6) The Kentucky Community and Technical College System college faculty senates shall have the primary responsibility for determining academic policy and curricula development that shall be recommended to the president of the Kentucky Community and Technical College System.

(7) Technical colleges, through their faculty and accrediting procedures, may develop degree programs that shall be considered for approval by the board of regents and the Council on Postsecondary Education. A graduate of a program within three (3) years of the program becoming an accredited degree program shall receive all or partial credit toward the degree, based on criteria established by the institution and approved by the board of regents. The board of regents shall confer degrees and award diplomas for these programs.

Effective: June 20, 2005

164.5805 Transfer of assets, liabilities, and staff positions of Kentucky Tech System
  -- Employee benefits and salaries of transferred employees
  -- Rules governing transferred employees.

(1) Effective July 1, 1998, the Kentucky Community and Technical College System shall be the legal
successor to the postsecondary Kentucky Tech institutions and corresponding administrative units in
the former Cabinet for Workforce Development and shall assume all assets and liabilities of this
system, including without limitation all obligations, responsibilities, programs, staff, instructional
supplies, equipment, real property, facilities, funds, and records. The Finance and Administration
Cabinet shall execute the instruments necessary to transfer the real property relating to the operation of
the postsecondary institutions in the Kentucky Tech System from the former Cabinet for Workforce
Development to the Kentucky Community and Technical College System.

(a) The staff positions in the former Department for Technical Education and the former Cabinet for
Workforce Development whose responsibilities include support for the postsecondary institutions
in the Kentucky Tech System and the school-based positions shall be transferred to the Kentucky
Community and Technical College System. Selected employees of the Kentucky Tech regional
offices shall be transferred and reassigned within the Kentucky Community and Technical College
System. Appropriate central office functions from the Department for Technical Education shall be
assigned within the system to carry out the administrative and support functions with the approval
of the board of regents for the Kentucky Community and Technical College System.

(b) All funds related to the costs of operating the Kentucky Tech postsecondary institutions, including
the administrative costs, shall be transferred to the board of regents for the Kentucky Community
and Technical College System for carrying out the mission of the postsecondary technical
institutions and colleges.

(c) Funds raised by a not-for-profit or nonprofit organization for a specific program or technical
institution shall be for the exclusive use of the program or that technical institution.

(d) The following provisions shall apply to the employees who are transferred from the former Cabinet
for Workforce Development to the Kentucky Community and Technical College System, effective
July 1, 1998:

1. Accumulated sick leave, compensatory time, and annual leave as of June 30, 1998, shall be
   transferred with each employee;

2. Employees who have earned continuing status as defined in KRS 151B.010 and employees who
   have earned classified status as merit system employees under KRS Chapter 18A shall be
   provided the same standing. Those employees who are transferred and are in the process of
   earning continuing status or classified status shall earn their standing based on the rules that
   were governing them on June 30, 1998, in their respective systems. New employees within the
   system shall earn status based on the new policies established by the board;

3. Employees shall transfer into the new system at a salary not less than their previous salary as of
   June 30, 1998;
4. Employees shall be provided retirement plans in the same system where they are currently enrolled: the Kentucky Teachers' Retirement System under KRS 161.220 or the Kentucky Employees Retirement System under KRS 61.525;

5. Employees shall be provided a health benefits package that is available or equivalent to that provided to other state or university employees; and

6. Employees shall be provided life insurance coverage and optional insurance or investment programs.

(e) The board shall adopt rules that are the same as the administrative regulations under KRS Chapter 151B in effect on June 30, 1998, to govern the certified and equivalent employees who transfer from the former Cabinet for Workforce Development, except that the rules shall provide that all grievances and appeals shall be to the board of regents or to the board's designee. The board shall adopt rules that are the same as the administrative regulations under KRS Chapter 18A in effect on June 30, 1998, to govern the transferred classified employees, except that the rules shall provide that all grievances and appeals shall be to the board of regents or to the board's designee. A transferred employee shall have the option to elect to participate in the new Kentucky Community and Technical College personnel system in lieu of the rules under which the employee transferred. An employee who elects to accept this option may not return to the previous personnel policy. An employee shall have the right to exercise this option at any time.

(2) New employees hired after July 1, 1997, in the Kentucky Community and Technical College System shall be governed by the rules and regulations established by the board.

Effective: July 12, 2006


164.5807 Governance and management of community colleges -- Transfer of funds - - Rules governing employees -- Personnel system -- Courses for employees -- Rights and privileges of students -- Conflicts.

(1) Effective upon the affirmative completion of the regional accrediting agency's substantive change process but not later than July 1, 1998, the board of trustees of the University of Kentucky shall delegate to the board of regents of the Kentucky Community and Technical College System the management responsibilities for the University of Kentucky Community College System, except for the Lexington Community College. Responsibilities shall include, but not be limited to, management of facilities and grounds, assets, liabilities, revenues, personnel, programs, financial and accounting services, and support services. In this capacity, the board shall receive and disburse funds and handle other financial matters. The board of regents, in exercising its personnel management responsibilities, shall establish the operating policies and procedures for the University of Kentucky employees in the community colleges. The board of regents shall have the right to appoint and dismiss personnel and to set the compensation for the employees. The president and board of regents of the Kentucky Community and Technical College
System shall have jurisdiction over the use and distribution of the resources to operate the system effectively and efficiently.

(2) All funds that are appropriated to the University of Kentucky Community College System or funds that are allocated in the University of Kentucky budget for administering the community college system shall be transferred and allotted to the board of regents for the benefit of the University of Kentucky Community College System.

(a) The board may divide the assets and funds among the specific organizations and institutions within the community college system to meet the mission of the system.

(b) Funds held in escrow or invested solely for the purpose of a community college and bequests, and private funds specifically earmarked for a community college may, at the discretion of that local community college, be managed by the University of Kentucky or that local community college.

(c) Private funds, foundation funds, and funds raised by a not-for-profit or nonprofit organization for the use and benefit of a specific program or community college shall be used exclusively for that program or that community college.

(3) Employees in the University of Kentucky Community College System as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System shall be governed by the University of Kentucky administrative regulations as of the effective date of the transfer and any subsequent changes made by the university, except that appeals shall be to the board of regents or to the board's designee. The following provisions shall apply:

(a) Accumulated sick leave, compensatory time, and annual leave as of the effective date of the transfer shall be retained by each employee;

(b) Employees with tenure shall retain their tenure. Employees without tenure shall earn tenure based on personnel policies in effect at the time of their employment. New employees without tenure shall earn tenure based on the new policies established by the board;

(c) Employees shall maintain a salary not less than their previous salary as of the effective date of the transfer; and

(d) All employees hired as of the effective date of the transfer shall be provided the same benefit package available for other University of Kentucky employees as it may be modified by the University of Kentucky for all employees.

(4) A person employed as of the effective date of the transfer described in subsections (1) and (3) of this section in a University of Kentucky Community College may elect to participate in the new Kentucky Community and Technical College personnel system. An employee who elects to accept this option may not return to the previous personnel policy. The employee shall have the right to exercise this option at any time.

(5) New employees hired after July 1, 1997, in the Kentucky Community and Technical College System and on and after July 1, 2004, at the Lexington Community College
shall be governed by the rules established by the board.

(6) A regular full-time employee may, with prior administrative approval, take one (1) course per semester or combination of summer sessions on the University of Kentucky's campus or at a community college during the employee's normal working hours. The University of Kentucky shall defray the registration fee up to a maximum of six (6) credit hours per semester or combination of summer sessions.

(7) Students enrolled in the University of Kentucky Community College System shall have all of the responsibilities, privileges, and rights accorded to University of Kentucky Community College System students as of the effective date of the transfer described in subsections (1) and (3) of this section. The privileges shall include, but not be limited to, tickets to athletic events, homecoming queen contests, the Great Teacher Award Contest, and the University of Kentucky scholarship programs.

(8) If any conflict arises between the University of Kentucky board of trustees and the Kentucky Community and Technical College board of regents relating to the delegation of authority from the university to the board of regents in the transfer of the Lexington Community College to the Kentucky Community and Technical College System, the Council on Postsecondary Education shall resolve the conflict.

(9) Notwithstanding any statute to the contrary, the governance and management responsibilities for the Lexington Community College are delegated to the Kentucky Community and Technical College System. The agreement entitled "Memorandum of Agreement Among the University of Kentucky, the Kentucky Community and Technical College System and Lexington Community College Pursuant to House Joint Resolution 214" signed by the respective institutions on July 1, 2004, shall remain in force and effect after June 20, 2005.

164.583 Lower division academic courses -- Transfer of credits.

(1) Each community college of the Kentucky Community and Technical College System may offer, within the two (2) year academic curriculum of the college, any and all lower division academic courses offered for undergraduate credit at any and all of the four (4) year public colleges and universities.

(2) All lower division academic courses offered by the community colleges shall be transferable for academic credit to any and all four (4) year public colleges and universities, regardless of the number of academic credits earned by any student at one (1) or more community college.

(3) Nothing in this section shall be construed or interpreted to change, reduce, or otherwise affect the required distribution between lower division and upper division courses now required for matriculation in an undergraduate program at any institution of higher education.

Effective: May 30, 1997
164.5833 Transferability of course work accepted prior to establishment of system.
The universities and the Kentucky Community and Technical College System shall recognize and accept for transfer credit all courses that were accepted for transfer prior to the establishment of the Kentucky Community and Technical College System, unless a substantial change in the content for teaching the course can be demonstrated to have occurred. Disputes on these matters shall be settled by the Council on Postsecondary Education.

Effective: May 30, 1997

164.586 Personnel dispute resolution system.
The board of regents for the Kentucky Community and Technical College System shall establish a personnel dispute resolution system that results, in the final stage, in an independent third party appeal for all employees of the Kentucky Community and Technical College System.

Effective: May 30, 1997

164.587 Medical and accident insurance program for students.
(1) The board of regents may provide medical and accident insurance for students enrolled in the Kentucky Community and Technical College System institutions. The president, on behalf of the system, may enter into a contract or contracts with one (1) or more sureties or insurance companies or their agents to provide appropriate medical and accident insurance coverage and to provide group coverage to all students enrolled in institutions within the system. The appropriate group coverage shall be issued by one (1) or more sureties or insurance companies authorized to transact business in this state, and the coverage shall be approved by the commissioner of insurance.

(2) The board shall approve policies upon recommendation of the president to implement the medical and accident insurance program. The board may fix the rate of fees for all postsecondary and adult students as it deems necessary to meet the expense in whole or in part for appropriate student medical and accident insurance.

(3) The limits of liability and other appropriate provisions for student medical and accident insurance authorized by this section shall be set by the board.

Effective: July 15, 2010

164.588 Services and property furnished by University of Kentucky and other providers.
The Kentucky Community and Technical College System shall reimburse the University of Kentucky at a reasonable cost for any services provided to the system. The services shall include, but not be limited to, library services, processing scholarships and student loans, and all other financial aid services. The board may also contract for services from other providers. The Kentucky Community and Technical College System shall not be assessed by the University of Kentucky for rental charges or other similar fees for the use of real or personal property. The Council on Postsecondary Education shall resolve any disputes about services to be provided and costs to be charged for the services.

Effective: May 30, 1997

164.591 Location of Kentucky Community and Technical College System
headquarters and community colleges and extension centers -- Approval of General Assembly as requirement for new community colleges.

A community college or extension of a community college shall be maintained in each of the following locations: Ashland, Carrollton, Cumberland, Elizabethtown, Glasgow, Henderson, Hopkinsville, Fayette County, Madisonville, Owensboro, Paducah, Prestonsburg, Somerset, Blackey-Hazard, Jefferson County and Mason County. The headquarters of the administration of the Kentucky Community and Technical College System shall be maintained in Woodford County. Western Kentucky University may continue to operate a community college in Bowling Green. Additional extension centers may be established by the board of regents for the Kentucky Community and Technical College System with approval of the Council on Postsecondary Education. New community colleges shall require approval of the General Assembly.

Effective: June 20, 2005

164.593 Paducah College may be included in system pursuant to agreement.

(1) The board of regents for the Kentucky Community and Technical College System shall recognize previous actions under prior law.

(2) Paducah Junior College may be included in the system provided for by KRS 164.580 upon the concurrence of the board of trustees of the University of Kentucky and the board of trustees of Paducah Junior College. Following the concurrence of the two (2) boards, an agreement shall be executed between the board and the board of trustees providing for the conversion of the existing facilities of Paducah Junior College and containing other provisions the parties deem appropriate and desirable, provided that any agreement executed under this subsection shall be subject to the management of the Kentucky Community and Technical College System under the provisions of KRS 164.5807.

(3) The agreement required by subsection (2) may provide for the transfer to the board of any funds accruing to Paducah Junior College as the result of any contract or agreement with any agency or
instrumentality of the United States or the Commonwealth of Kentucky including any funds accruing pursuant to KRS 164.027.

(4) Upon the execution of the agreement required by subsection (2), any taxes levied under KRS 165.170 or 165.175 and paid to the trustees shall continue to be received by the board of trustees of Paducah Junior College. However, the trustees may in the agreement provide for the expenditure of the taxes levied for such purposes as the trustees and the board may mutually agree.

**Effective:** May 30, 1997


### 164.594 Service area of Prestonsburg Community College to include Pike County.

(1) The community college in the Big Sandy Valley is designated as Prestonsburg Community College. The service area of Prestonsburg Community College shall include Pike County in its entirety.

(2) Course offerings in Pike County shall be expanded as necessary, to respond more fully to the higher and adult educational needs of the citizens of the area.

(3) The Kentucky Community and Technical College System may use private or state funds to purchase, renovate, and otherwise make available physical facilities in the Pike County area conducive to educational purposes.

**Effective:** May 30, 1997


### 164.600 Boards of directors for community colleges and community and technical colleges.

(1) As used in this section, unless the context requires otherwise:

(a) "Chief executive officer" means a president or the head administrator of a college within the Kentucky Community and Technical College System;

(b) "College" means a community college, a technical college, or a community and technical college within the system;

(c) "President" means the chief executive officer of the system;

(d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and

(e) "System" means the Kentucky Community and Technical College System.

(2) There shall be a board of directors for each community college or community and technical college under the Kentucky Community and Technical College System, except as provided in KRS 165.160. The board of regents may designate that a local board of directors serve more than one college. Each board of directors shall:

(a) Recommend one (1) candidate for college chief executive officer from three (3) candidates provided by the president. The president shall have the authority to make the final
appointment and shall not be bound by the recommendation from the board of directors;

(b) Evaluate the college chief executive officer and advise the president of his or her performance. The president has final authority for the appointment and termination of the college chief executive officer;

(c) Approve budget requests for recommendation to the Kentucky Community and Technical College System;

(d) Adopt and amend an annual operating budget and submit it to the board of regents for approval as to the compliance with its guidelines;

(e) Approve a strategic plan that is developed in coordination with local employers, civic leaders, campus constituents, and other postsecondary institutions in the region and that is consistent with the strategic agenda of the General Assembly.

(3) The chief executive officer of each college shall have full authority and discretion regarding the use and management of the budget approved by the board of regents for the Kentucky Community and Technical College System under KRS 164.350.

(4) Each board of directors shall consist of ten (10) members, seven (7) of whom shall be appointed by the Governor from nominees of the respective college nominating commission established under KRS 164.602 for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The other three (3) board members shall be one (1) member of the teaching faculty, one (1) member of the staff, and one (1) member of the student body. An appointed member's term shall be six (6) years.

(5) The faculty member shall be on the teaching or research faculty of the college. The faculty member shall be elected by secret ballot of all full-time faculty members of the college. 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 boards if they cease to be members of the teaching staff of the college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(6) The staff member shall be a classified or midmanagement employee who does not hold faculty rank and who does not hold an upper administrative position. The staff member shall be elected by secret ballot of all full-time staff members of the college. Staff members shall serve for terms of three (3) years and until their successors are elected and qualified. Staff members shall be eligible for reelection, but shall be ineligible to continue to serve as members of the boards if they cease to be members of the staff of the college. An election to fill a vacancy for an unexpired term shall be held in the same manner as an election to an original full term.

(7) The student member shall be elected by secret ballot from the student body of the college to serve a term of one (1) year. The student member shall be a full-time student who maintains permanent residency in the Commonwealth of Kentucky.

(8) If a board of directors is designated by the board of regents to serve more than one college as permitted under subsection (2) of this section, the board of regents shall define procedures for the
selection of the faculty, staff, and student representatives to the board of directors to ensure that there is opportunity for all colleges to be represented.

(9) The members of the board of directors shall receive no compensation for their services but shall be paid for their actual and necessary expenses.

(10) No citizen member of the board of directors shall have a conflict of interest in accordance with KRS 45A.340 or be a relative of any employee of the college under its jurisdiction. A person who is a member of the board on July 15, 1998, who is a relative of an employee of the college may finish out the appointed term of office but the member may not be reappointed.

Effective: June 24, 2003


Kentucky Innovation Act

164.602 Nominating commission for appointments to board of directors

(1) There shall be a nominating commission for each college board of directors required under KRS 164.600 to provide names of nominees to the Governor for appointment to the board of directors.

(2) (a) Each nominating commission shall be composed of five (5) members appointed by the Governor who shall reside in the service area of the college at the time of their appointment. Commission members shall have no conflict of interest in accordance with KRS 45A.340 or have a relative employed by a public postsecondary institution, the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Kentucky Higher Education Student Loan Corporation, or the Kentucky Authority for Educational Television.

(b) Members of the nominating commission shall serve four (4) year terms, or until a successor shall be appointed, except the initial appointments shall be as follows:

1. One (1) member shall serve a one (1) year term;
2. Two (2) members shall serve a two (2) year term;
3. One (1) member shall serve a three (3) year term; and
4. One (1) member shall serve a four (4) year term.

(3) The Governor shall appoint commission members who reflect, inasmuch as possible, equal representation of the two (2) sexes and in the context of the total membership of all of the commissions, shall approximate the proportional representation of the two (2) leading political parties and the minority racial composition of the state.

(4) (a) The nominating commission shall submit to the Governor the names of three (3) nominees for
each position on the board of directors who meet the eligibility criteria for membership under KRS 164.600.

(b) In the selection of the nominees, the nominating commission shall consider the needs of the respective college, locate potential appointees, review candidates' qualifications and references, conduct interviews, and carry out other search and screening activities as necessary. The commission shall consider the goals for diversity of membership as set out in subsection (3) of this section.

(c) Each appointment to the board of directors shall be made thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. The Governor may reject all names of nominees and request the submission of three (3) additional names for consideration.

(5) The members of the commissions shall be reimbursed for actual and necessary expenditures incurred in the performance of their duties.

(6) The nominating commissions shall be attached to the Kentucky Community and Technical College System and the Governor's office staff shall provide staffing and administrative assistance.

Effective: June 24, 2003


Higher Education Assistance

164.740 Definitions for KRS 164.740 to 164.7891.
As used in KRS 164.740 to 164.7891, the terms listed below shall have the following meanings:

(1) "Authority" means the Kentucky Higher Education Assistance Authority.

(2) "Board" means the board of directors of the Kentucky Higher Education Assistance Authority.

(3) “Comprehensive transition and postsecondary program” means a program approved by the United States Department of Education as defined in 34 C.F.R. secs. 668.230 to 668.233.

(4) "Eligible institution" means, unless otherwise specified in this chapter, any educational institution or class of institutions designated as an institution of higher education pursuant to section 102 of the federal act, 20 U.S.C. sec. 1002, as eligible to participate in, and that actively participates in, the Federal Pell Grant Program or, for purposes of insured student loans, is defined as an eligible institution pursuant to sec. 435 of the federal act, 20 U.S.C. sec. 1085, provided that no right of participation shall be deemed vested pursuant to this subsection in any institution, including, but not by way of limitation, any college, school of nursing, vocational school, or business school.

(4) "Eligible lender" means any entity described as eligible pursuant to the federal act to make or originate insured student loans, provided that no right of participation shall be deemed vested hereby in any lender.
(5) "Eligible student" means any student enrolled or accepted for enrollment at a participating institution, meeting the criteria established by the federal act and this chapter for the various authority administered programs.

(6) "Endorser" means a person who signs a student loan promissory note as an accommodation party, in the manner of KRS 355.3-419, and is secondarily liable for payment on such note.


(8) "Grant" means a gift of money, tuition discount, waiver of tuition and fees, or other monetary award that requires neither employment nor repayment, except under conditions prescribed by the board, and is based on demonstrated financial need and such other terms and conditions as the board may prescribe.

(9) "Honorary scholarship" means a certificate of merit or achievement or other appropriate document which may be issued by the board to students in recognition of superior academic ability or achievement or a special talent.

(10) "Insured student loan" means a loan to an eligible borrower, who is qualified under the federal act, on which the payment of principal and interest is insured as evidenced by a loan guarantee issued by the authority and reinsured by the secretary under the federal act.

(11) "Loan" means an advance of money, to be used exclusively for payment of educational expenses, evidenced by a promissory note or similar instrument requiring repayment under specified conditions.

(12) "Loan guarantee" means the certificate, document, or endorsement issued by the authority as evidence of insurance of a loan as to both principal and interest and of reinsurance by the secretary under the federal act.

(13) "Participating institution" means any eligible institution, to the extent that it offers an eligible program of study, having a contract in force with the authority, if required by the authority, on such terms as the authority may deem necessary or appropriate to the administration of its programs.

(14) "Participating lender" means any eligible lender, including the authority and the Kentucky Higher Education Student Loan Corporation, which has in force a contract with the authority providing for loan guarantee to be issued by the authority under the federal act and this chapter.

(15) "Penal institution" means any penitentiary, detention facility, adult correctional facility, jail, or other similar institution operated by the state, local, or federal government or by private business.

(16) "Recognition award" means an advance of money to or on behalf of a student in recognition of superior academic ability, achievement or special talent.

(17) "Regional accrediting association" means the Middle States Association of Colleges and Schools, Commission on Higher Education; New England Association of Schools and Colleges, Commission on Institutions of Higher Education; North Central Association of Colleges and Schools, Higher Learning Commission; Northwest Association of Schools and Colleges, Commission on Colleges; Southern Association of Colleges and Schools, Commission on Colleges; or Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities.
(18) "Scholarship" means a gift of money to provide an incentive for fulfillment of a particular public purpose which may be based on any combination of financial need, superior academic ability, achievement, a special talent, or special condition serving a public purpose and such other terms and conditions as the board may prescribe.

(19) "Secretary" means the United States Secretary of Education.

(20) "Work study" means an award of money disbursed by the board at specified intervals to students, or as reimbursement to employers of students, who provide needed services for a specified number of hours in a capacity approved by the board.

Effective: June 25, 2013


Legislative Research Commission Note (7/7/97). The reference to KRS 355.3-415 in subsection (8) of this statute as it appeared in existing language in 1997 (1st Extra. Sess.)Ky. Acts ch. 1, sec. 119 was erroneous, that citation having been changed to KRS 355.3-419 by 1996 Ky. Acts ch. 130, sec. 113. The correct reference has been restored in codification. Cf. KRS 446.270 and 446.280.

164.746 Board of directors -- Membership -- Terms -- Vacancies -- Officers and employees -- Compensation -- Meetings -- Bylaws, policies, and administrative regulations -- Power to adopt Model Procurement Code.

(1) The authority shall be governed, all of its powers shall be exercised, and its duties and functions shall be performed by a board of directors.

(a) Subject to paragraph (b) of this subsection, voting members of the board shall consist of:

1. Seven (7) members who shall be appointed from the general public residing in the Commonwealth of Kentucky by the Governor from nominees submitted by the Governor's Postsecondary Education Nominating Committee under KRS 164.005; and

2. Eight (8) members of the board of directors of the Kentucky Higher Education Student Loan Corporation appointed by the Governor pursuant to KRS 164A.050(3)(a)1., who shall serve terms of office on the authority board of directors coextensive with their respective terms of office on the Kentucky Higher Education Student Loan Corporation board of directors.

(b) Upon resignation or expiration of the term of an appointed member of the board of the authority or the Kentucky Higher Education Student Loan Corporation, that member's position shall be abolished to reduce the combined number of appointed members of the boards of the authority and the Kentucky Higher Education Student Loan Corporation to ten (10) members.

(c) In addition, the president of the Council on Postsecondary Education, the president of the Association of Independent Kentucky Colleges and Universities, the State Treasurer, the commissioner of education,
and the secretary of the Finance and Administration Cabinet, or their designees who shall be another official of the same cabinet or agency, shall serve as voting ex officio members.

(d) The term of office of appointed members shall be four (4) years. Each member shall serve for the term for which he is appointed and, except as provided in paragraph (b) of this subsection, shall serve until his successor is appointed.

(2) Subject to paragraph (b) of subsection (1) of this section, appointments to fill vacancies on the board shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.

(3) The board shall elect from its voting membership a chair, chair-elect, and secretary/treasurer who shall each serve for a term of one (1) year. At the conclusion of the chair's term of office, the chair-elect shall become the chair for the succeeding year and the board shall elect from its voting membership a new chair-elect.

(4) Board members, except officers or employees of the state, shall receive compensation for their services, in the amount of one hundred dollars ($100) per day, and may be reimbursed for actual and necessary expenses incurred in the performance of their duties under KRS 164.740 to 164.785.

(5) The board shall provide for the holding of regular meetings and special meetings.

(a) A majority of the voting members shall constitute a quorum for the transaction of any business, special meetings shall be called by the chair in accordance with KRS 61.823, and either the chair or the chair-elect shall be present for the transaction of any business.

(b) In lieu of personal attendance by members of the board of directors at the same location, the board of directors may conduct meetings by teleconference or other available technological means suitable for conducting its business. Meetings of the board shall be open and accessible to the public in accordance with KRS 61.805 to 61.850, and any alternate method of conducting a meeting in lieu of personal attendance shall ensure public access.

(6) The board shall adopt bylaws and policies governing its internal affairs and the conduct of its business, and shall adopt administrative regulations pursuant to KRS Chapter 13A, not inconsistent with law, in connection with the administration of the authority's programs and the performance of its functions and duties.

(7) The board may:

(a) Appoint such officers and employees as necessary and may fix their compensation, and shall prescribe their duties notwithstanding personnel limits established by KRS 18A.010 or the biennial budget and its related documents; and

(b) Adopt the provisions of KRS 45A.345 to 45A.460, pursuant to KRS 45A.343.

Effective: July 1, 2005

164.748  Powers and duties of board.

The board shall have the following powers, functions, and duties:

(1) To provide loan guarantees, upon terms and conditions the board may prescribe within the limitations provided by KRS 164.740 to 164.770, and the federal act in respect of loans to eligible borrowers. The board may require additional security, including endorsers it deems necessary and desirable and is not in contravention of the federal act. The purpose of the loans shall be to assist individuals in meeting the expense of their education.

(2) To enter into agreements and undertakings with the secretary as may be required and necessary pursuant to the federal act in order to constitute the authority as a state agency qualified and empowered to insure student loans within the meaning of the federal act and to qualify insured student loans for interest payments, reimbursement, reinsurance, and other benefits available under the federal act to the authority.

(3) To issue loan guarantees in respect of loans made to eligible borrowers by participating lenders, including the authority. No loan guarantee shall be issued, executed, and delivered by the authority unless any insured student loan resulting shall be the subject of agreements pursuant to the federal act by which the insured student loan is made the subject of interest payments, reimbursements, reinsurance, and other benefits to the extent provided by the federal act.

(4) To promulgate administrative regulations pursuant to KRS Chapter 13A pertaining to insured student loans, loan guarantees, loans, and work-study payments and the awarding of grants, scholarships, and honorary scholarships, as provided in KRS 164.740 to 164.7891.

(5) To enter into contracts with eligible lenders, approved by the state to lend moneys, upon terms and conditions agreed upon between the authority and the eligible lender, to provide for the administration of student financial assistance programs, including, but not by way of limitation, the authority's program of insured student loans.

(6) To enter into contracts with eligible institutions, upon terms and conditions agreed upon between the authority and the eligible institution, to provide for the administration of student financial assistance programs, including, but not by way of limitation, the authority's program of insured student loans.

(7) To receive funds from any source, public or private, by gift, grant, bequest, loan, or otherwise, either absolutely or in trust, and to expend them, on behalf of the authority and for any of its purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal, or mixed, absolutely or in trust, and to hold, administer, and dispose of it, on behalf of the authority and for any of its purposes. The authority shall not make its debts payable out of any funds except those of the authority.
(8) To administer federal funds allotted to the state in respect of insured student loans, loan guarantees, 
loans, work-study, grants, scholarships, administrative costs, and related matters.

(9) To sue and be sued in the name of the authority and to plead and be impleaded, and to purchase, on 
behalf of members of the board or officers and employees of the authority, liability insurance for 
individual protection from liability for acts and omissions committed in the course and scope of the 
individual's employment or service.

(10) To collect from individual borrowers loans made by the authority and insured student loans on which 
the authority has been compelled to meet its loan guarantee obligations following the inability of the 
participating lender involved to collect the insured student loans.

(11) To gather information on all loans, scholarships, honorary scholarships, grants, and work-study 
opportunities available to Kentucky residents attending or planning to attend an eligible institution and to 
disseminate the information through the methods of mass communication necessary to ensure that 
Kentucky residents are aware of financial resources available to those attending or desiring to attend an 
eligible institution.

(12) To request reports from each eligible institution or eligible lender necessary for the effective 
performance of its duties and to publish the information it deems necessary.

(13) To approve, disapprove, limit, suspend, or terminate the participation of, or take emergency action to 
withhold authority funds and insured student loans from eligible institutions or eligible lenders in 
programs administered by the board, subject to the provisions of the federal act and this chapter.

(14) To perform other acts necessary or appropriate to carry out effectively the purposes of the authority as 
provided by KRS 164.740 to 164.7891 and KRS 164A.010 to 164A.380.

(15) If any conflict exists between KRS 164.740 to 164.770 and the federal act, which conflict would 
result in a loss by the authority of any federal funds, including, but not by way of limitation, federal funds 
made available to the authority under the federal act, including interest payments and reimbursement for 
insured student loans in default, to promulgate regulations and policies consistent with the federal act not 
in derogation of the Constitution and general laws of the Commonwealth.

(16) Except where specifically prohibited by law, to secure data from any other Commonwealth of 
Kentucky agency or instrumentality or from any other source in furtherance of any purposes of the 
authority related to any program or function administered by the authority.

(17) To enter into contracts with public or private nonprofit agencies, eligible to hold or insure student 
loans under the federal act, to provide for the exchange of information, not in contravention of any federal 
or state law, or the provision of services necessary to the administration of the authority's insured student 
loan programs.

(18) To enter into contracts with the Kentucky Higher Education Student Loan Corporation, the Kentucky 
Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust 
fund as necessary or appropriate to facilitate their common administration, operation, and management, as 
required pursuant to KRS Chapter 164A.
(19) To act as the board of directors of the Commonwealth postsecondary education prepaid tuition trust fund under KRS 164A.700 to 164A.709.

(20) To conduct, in accordance with KRS Chapter 13B, administrative hearings pertaining to any adverse action by the authority affecting participating institutions and lenders, eligible students, and borrowers of loans made by the authority and insured student loans guaranteed by the authority. Wage garnishment hearings and administrative review procedures pertaining to disputes concerning setoff of federal tax refunds shall be exempt under KRS 13B.020 and shall be conducted in accordance with applicable federal law. In an exempt hearing, the board or a hearing officer designated by the board may issue administrative subpoenas for the attendance of witnesses and the production of documents relevant to the issues in dispute. Compliance with the subpoenas shall be enforceable by a court of competent jurisdiction.

(21) To provide upon termination of the retirement plan authorized by Executive Order 75-964 to active and retired employees of the authority who participated in that plan, health insurance premiums and disability insurance benefits as provided to employees who participate in a state-administered retirement system pursuant to KRS 18A.225 to 18A.229, 61.600, and 61.702.

(22) To delegate to the executive director general supervision and direction over the administrative function of the authority and its employees in carrying out the policies, programs, administrative regulations, and directives of the board.

Effective: July 1, 2005


164.753 Rules and regulations governing loans, loan guarantees, scholarships, grants, and work-study programs.

(1) In the instance of loans, the rules and regulations adopted by the board may include, but not be limited to, those which:

(a) Are necessary to qualify the authority as an insured lender under the Higher Education Act of 1965, as amended;

(b) Require that loans be made only to those eligible students who are unable to secure comparable loans from private lenders; and

(c) Are necessary to qualify the authority as a lender under the Public Health Service Act, as amended.

(2) In the instance of insured student loans and loan guarantees, the rules and regulations adopted by the board shall include, but not be limited to, those which are necessary to qualify the authority to insure loans under the federal act, as amended, and following such qualification to issue loan guarantees to participating lenders on any loans advanced by such lenders to eligible students attending or planning to attend any participating institution.
(3) In the instance of scholarships, except scholarships provided pursuant to KRS 164.518, the rules and regulations adopted by the board shall include, but not be limited to, those which:

(a) Specify ways in which superior academic achievement or ability or special talents will be identified and measured;

(b) Ensure that the amount of scholarship to a student attending or planning to attend a participating institution will not exceed the student's total cost of attendance, or the maximum scholarship as established by the board, whichever is less;

(c) Restrict scholarships to persons who are classified as resident students under the rules and regulations of the Council on Postsecondary Education;

(d) Ensure that scholarships are awarded only to eligible students who have applied for such federal, state, or institutional student financial assistance programs as the authority may require;

(e) Ensure that scholarships are awarded only to eligible students who are planning to enroll, accepted for enrollment, or are enrolled in a participating institution; and

(f) If eligibility for the scholarship is based on financial need, ensure, by such needs analysis as the authority may require, that the person is in need of the assistance in order to enroll in or complete an eligible program of study as defined by the board.

(4) In the instance of grants, the rules and regulations adopted by the board shall include, but not be limited to, those which:

(a) Ensure that the amount of a grant to a student will not exceed the financial need of the student as determined in accordance with paragraph (e) of this subsection or the maximum grant as established by the board, whichever is less;

(b) Restrict grants to persons who are classified as resident students under the rules and regulations of the Council on Postsecondary Education;

(c) Ensure that grants are awarded only to eligible students who have applied for such federal, state, or institutional student financial assistance programs as the authority may require;

(d) Ensure that grants are awarded only to eligible students who are planning to enroll, accepted for enrollment, or are enrolled in a participating institution; and

(e) Ensure, by such needs analysis as the authority may require, that grants be made only to students who have insufficient financial resources to enroll in or complete an eligible program of study as defined by the board.

(5) Funds appropriated to the financial assistance program established by KRS 164.780 and 164.785 shall be administered by the board in accordance with the provisions of KRS 164.780 and 164.785.

(6) In the instance of work-study payments, rules and regulations adopted by the board shall include, but not be limited to, those which require that:

(a) The employment opportunity available for the student will not interfere with the student's normal progress toward a degree, diploma, or certificate;
(b) Contracts to promote increased employment opportunities for eligible students will not result in the displacement of employed workers or impair existing contracts for services; and

(c) The work-study payment will not exceed the financial need of the student or the maximum payment as established by the board, whichever is less.

Effective: July 13, 2004


164.7535 College access program grants.

Notwithstanding KRS 164.753(4)(d), the Kentucky Higher Education Assistance Authority may award college access program grants pursuant to KRS 164.753(4), to the extent funds are available for the purpose, to financially needy part-time and full-time undergraduate students, including students enrolled in a program of study designated as an equivalent undergraduate program of study by the Council on Postsecondary Education in an administrative regulation. Grants shall be awarded only to students enrolled or accepted for enrollment at participating institutions located within the Commonwealth. Grants under this section shall be awarded only for attendance in a program of study of at least two (2) academic years' duration. Grants under this section shall be awarded only to students enrolled or accepted for enrollment at publicly-operated vocational-technical institutions for attendance in a program of study that leads to a certificate, diploma, or degree in a comprehensive transition and postsecondary program. For purposes of this section, a student enrolled in a comprehensive transition and postsecondary program shall be considered a part-time student.. Awards to recipients attending participating institutions accredited by a regional accrediting association shall not exceed the prevailing amount charged for tuition at publicly-supported community and technical colleges in Kentucky, and awards to recipients attending other participating institutions shall not exceed the prevailing amount charged for tuition at publicly-operated vocational-technical institutions in Kentucky. The provisions of this section shall not limit the authority's capability to use funds appropriated for this purpose to match federal funds, make grant awards, adopt administrative regulations that conform to the requirements of federal laws and regulations for full participation in federally-funded student financial assistance programs.

Effective: June 25, 2013


164.7894 Kentucky Coal County College Completion Program.
(1) The General Assembly recognizes that the bachelor degree attainment rate in the coal-producing counties of Kentucky is lower than the state average. It is the intent of the General Assembly to establish the Kentucky Coal County College Completion Program to assist residents of coal-producing counties who are attending postsecondary education institutions located in coal-producing counties by providing:
   (a) Scholarships to:
      1. Decrease the financial barriers to bachelor's degree completion; and
      2. Encourage students to remain in the area; and
   (b) Grants to community colleges located in coal-producing counties to enhance the extent and quality of student support services and program offerings necessary to increase student success and degree production in the area.

(2) For purposes of this section:
   (a) "District" means the Kentucky Coal County District consisting of coal-producing counties as defined in KRS 42.4592(1)(c);
   (b) "High school" means a Kentucky public high school or a private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;
   (c) "Kentucky Coal County College Completion scholarship" or "KCCCC scholarship" means a scholarship described in subsection (1)(a) of this section;
   (d) "Kentucky Coal County College Completion student services grant" or "KCCCC student services grant" means a grant described in subsection (1)(b) of this section; and
   (e) "Tuition" means the in-state tuition and mandatory fees charged to all students as a condition of enrollment in an undergraduate program.

(3) A participating institution shall:
   (a) Be physically located in the district;
   (b) Offer bachelor's degree programs; and be:
      1. A regionally accredited, independent nonprofit Kentucky college or university licensed by the Council on Postsecondary Education whose main campus is based in the district, including a work-college as determined by the Kentucky Higher Education Assistance Authority;
      2. A four (4) year public university extension campus; or
      3. A regional postsecondary education center, including the University Center of the Mountains.

(4) A participating institution may establish extension campuses within the district to offer bachelor degree programs for purposes of this section.

(5) A nonparticipating institution shall:
   (a) Have its main campus located in Kentucky but not in the district;
   (b) Offer a bachelor's degree program not offered at any participating institution;
   (c) Be accredited by the Southern Association of Colleges and Schools; and
(d) Be a public or independent, nonprofit college or university that is licensed by the Council on Postsecondary Education.

(6) The Kentucky Higher Education Assistance Authority shall administer the Kentucky Coal County College Completion Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.

(7) The authority may award a KCCCC scholarship under this section, to the extent funds are available for that purpose, to any person who:
   (a) Is considered a permanent resident of the district for at least one (1) year immediately preceding July 1 of the academic year in which the scholarship is made;
   (b) Is a United States citizen;
   (c) Is a Kentucky resident as determined by the institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;
   (d) Completes and submits the Free Application for Federal Student Aid for the academic year in which the grant is made;
   (e) Has earned at least sixty (60) credits or the equivalent of completed coursework toward a bachelor's degree;
   (f) Is enrolled at least half-time at a participating institution, or a nonparticipating institution in accordance with subsection (8) of this section, in upper division courses in a program of study that leads to a bachelor's degree;
   (g) Is in good academic standing in accordance with the institution's policy; and
   (h) Is not in default on any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.785, except that ineligibility for this reason may be waived by the authority for cause.

(8) A student otherwise eligible for the KCCCC scholarship who is enrolled in a nonparticipating institution shall be eligible to receive the KCCCC scholarship if he or she is enrolled in a bachelor's degree program in a field of study that is not offered at any participating institution. A program shall be clearly unlike any degree program offered by a participating institution to be eligible. The authority shall promulgate administrative regulations to establish procedures to designate the approved programs of study at nonparticipating institutions for which an eligible student can receive the KCCCC scholarship, which shall include a program review process that requires fifty percent (50%) or more of the courses offered in a program to be different from courses available in a program offered by a participating institution. The maximum annual total of KCCCC scholarships expended for this purpose, to the extent funds are available, shall not exceed five percent (5%) of the amount appropriated for KCCCC scholarships.

(9) (a) The KCCCC scholarship amount provided to a student may be applied to the student's cost of attendance and shall be forty percent (40%), up to the maximum amount defined in subsections (10) and (11) of this section, of the amount remaining after subtracting the student's federal and state grants and scholarships from the institution's published tuition and mandatory fees amount
that is used for purposes of packaging federal student aid. Work study and student loan funds shall not be included in the calculation.

(b) For purposes of this subsection, the tuition amount for a work-college, as described in subsection (3)(c)1. of this section, shall be the average tuition and mandatory fees amount of the participating institutions that are described in subsection (3)(c)1. of this section and are not work-colleges.

(c) Students attending less than full-time shall receive a pro rata amount as determined by the authority.

(10) The maximum KCCCC scholarship award amount for the 2014-2015 academic year shall not exceed:

(a) Six thousand eight hundred dollars ($6,800) per academic year for a student attending a participating institution that is a nonprofit, independent college or university;

(b) Two thousand three hundred dollars ($2,300) per academic year for a student attending a participating institution that is a public university extension campus or a regional postsecondary education center; or

(c) Three thousand four hundred dollars ($3,400) per academic year for a student attending a nonparticipating institution as prescribed in subsection (8) of this section.

(11) The authority shall calculate the average annual percentage increase in tuition for the six (6) comprehensive universities as defined in KRS 164.001. The maximum KCCCC scholarship amounts in subsection (10) of this section shall be increased for each subsequent academic year by the total average percentage increase since the 2014-2015 academic year.

(12) The authority shall award KCCCC scholarships chronologically based on when applicants submit the Free Application for Federal Student Aid until funds are exhausted, except prior recipients shall be awarded before any new KCCCC scholarship recipients. Applicants who received a KCCCC scholarship in the immediately preceding academic semester and apply by the deadline established by the authority shall be awarded first.

(13) A student may receive a KCCCC scholarship for a maximum of five (5) full-time fall or spring academic semesters, or their equivalent under a trimester or quarter system, or until the completion of a first bachelor's degree, whichever occurs first. The authority shall determine the equivalent usage of academic semester eligibility for students enrolled less than full-time.

(14) The authority may award KCCCC student services grants under this section, to the extent funds are available for that purpose, to a Kentucky Community and Technical College System institution that is physically located in the district.

(15) The maximum annual KCCCC student services grant shall be one hundred fifty thousand dollars ($150,000) per institution.

(16) KCCCC student services grants shall be used for the following purposes:

(a) To expand outreach services in high schools, in coordination with outreach services provided by the authority, to advise students of the advantages and importance of seeking a bachelor's degree and the opportunities to attain a bachelor's degree within the district;

(b) To expand advising resources to encourage completion of associate degree programs and transfer into bachelor's degree programs;
(c) To expand career advising resources to better link baccalaureate academic pursuits to career opportunities, especially within the district; and
(d) To provide multifaceted retention and student transfer initiatives to encourage associate degree completion leading to bachelor's degree programs.

(17) Beginning November 1, 2015, and each year thereafter, the authority shall make an annual report to the Interim Joint Committee on Education on the status of the Kentucky Coal County College Completion Program. (18) Every four (4) years after implementation of the Kentucky Coal County College Completion Program, the authority shall evaluate the program to ensure the policy objectives are being realized and to suggest adjustments to maximize the increase in bachelor's degree completion rates.

(19) Each participating institution, nonparticipating institution, and recipient of a KCCCC student services grant shall make data available to the authority for the report and evaluation described in subsections (17) and (18) of this section.

(20) If any participating institution, nonparticipating institution, or recipient of a KCCCC student services grant does not demonstrate improved performance in student performance metrics, including but not limited to graduation and transfer rates, the authority may revoke the institution's eligibility for participation in the KCCCC scholarship or KCCCC student services grant.

(21) (a) The coal county college completion scholarship fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing scholarships described in subsection (1)(a) of this section.
(b) The trust fund shall consist of amounts appropriated annually from coal severance tax receipts to the extent that the enacted biennial budget of the Commonwealth includes such appropriations. The trust fund may also receive gifts and grants from public and private sources and federal funds. No general fund moneys shall be appropriated for this purpose.
(c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.
(d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

(22) (a) The coal county college completion student services grant fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing grants described in subsection (1)(b) of this section.
(b) The trust fund shall consist of amounts appropriated annually from coal severance tax receipts to the extent that the enacted biennial budget of the Commonwealth includes such appropriations. The trust fund may also receive gifts and grants from public and private sources and federal funds. No general fund moneys shall be appropriated for this purpose.
(c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.
(d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

Effective: July 15, 2014

164.7911 Strategic Investment and Incentive Funding Program -- Trust funds -- Interest -- Appropriations.

(1) There is established and created in the Council on Postsecondary Education a Strategic Investment and Incentive Funding Program for postsecondary education to consist of a system of strategic financial assistance awards to institutions, systems, agencies, and programs of postsecondary education to advance the goals of postsecondary education as stated in KRS 164.003(2). There are established in the State Treasury the following individual strategic investment and incentive trust funds:

(a) A research challenge trust fund;
(b) A comprehensive university excellence trust fund;
(c) A technology initiative trust fund;
(d) A physical facilities trust fund;
(e) A postsecondary workforce development trust fund; and
(f) A student financial aid and advancement trust fund.

(2) The funding program and the individual trust funds are created to provide financial assistance to the institutions, systems, agencies, and programs of postsecondary education each fiscal biennium. It is the intent of the General Assembly to make appropriations, including general fund appropriations, each fiscal biennium to each of the individual trust funds in the funding program in a form and manner consistent with the strategic agenda adopted by the Council on Postsecondary Education. Appropriations made to individual trust funds in the Strategic Investment and Incentive Funding Program shall not lapse at the end of a fiscal year but shall be carried forward in the respective trust fund accounts and shall be available for allotment for their respective purposes in the next fiscal year.

Effective: July 15, 2008

164.7913 Sources of funding -- Investment of balances -- Capital projects -- Allotment of appropriations.

(1) The individual trust funds in the Strategic Investment and Incentive Funding Program may receive state appropriations, gifts and grants from public and private sources, and federal funds. Any unallotted or unencumbered balances in the individual trust funds shall be invested as provided for in KRS 42.500(9). Income earned from the investments shall be credited to the appropriate trust fund accounts.
(2) All capital projects funded through appropriations to one (1) of the individual trust funds shall adhere to the capital processes created in KRS Chapters 7A, 45, 45A, and 48.

(3) Debt service appropriations for bond-supported capital projects funded through one (1) of the individual trust funds shall be made to the individual trust fund. Allotment of the appropriations shall be made to the university, Kentucky Community and Technical College System, or agency authorized to issue the bonds to finance the capital project.

Effective: May 30, 1997

164.7915 Budget request -- Purpose of appropriations.
(1) The Council on Postsecondary Education shall make a biennial budget request to the General Assembly and to the Governor with regard to:
   (a) Specific funding amounts to be appropriated to each individual trust fund in the Strategic Investment and Incentive Funding Program;
   (b) Specific funding amounts of all capital projects to be appropriated and funded from each individual trust fund in the Strategic Investment and Incentive Funding Program; and
   (c) Funding to be appropriated to the base budgets of the institutions, systems, agencies, and programs.

(2) Funds appropriated for the Strategic Investment and Incentive Funding Program shall be for the purpose of encouraging the activities of institutions, systems, agencies, and programs of postsecondary education in accordance with the strategic agenda adopted by the Council on Postsecondary Education.

Effective: May 30, 1997

164.7921 Technology initiative trust fund.
(1) (a) The technology initiative trust fund created by KRS 164.7911 is intended to support investments in electronic technology for postsecondary education throughout the Commonwealth to improve student learning.

(b) The Council on Postsecondary Education may establish separate subsidiary programs and related accounts to provide financial assistance to the postsecondary education system in acquiring the infrastructure necessary to acquire and develop electronic technology capacity; to encourage shared program delivery among libraries, institutions, systems, agencies, and programs; to provide funding for the Commonwealth Virtual University under KRS 164.800; and other programs consistent with the purposes of postsecondary education, the adopted strategic agenda, and the biennial budget process.

(2) The council shall develop the criteria and process for submission of an application under this section. Any university and the Kentucky Community and Technical College System may apply to
the council for financial assistance from the technology initiative trust fund. The council shall determine the matching funds or internal reallocation requirements for the applicants to qualify for funding. Financial assistance that may be awarded by the council shall be consistent with the adopted strategic agenda, the biennial budget process, and the availability of any resources to the technology initiative trust fund.

Effective: May 30, 1997

164.7923 Physical facilities trust fund.

(1) The physical facilities trust fund created by KRS 164.7911 is intended to provide sufficient financial assistance for unexpected contingencies for the construction, improvement, renovation, or expansion of the physical facilities of the postsecondary education system.

(2) The Council on Postsecondary Education shall develop the criteria and process for submission of an application under this section. The physical facilities trust fund shall not replace the existing capital construction provisions and appropriation provisions of state law. Each university or the Kentucky Community and Technical College System may apply to the council for financial assistance from the physical facilities trust fund. Financial assistance that may be awarded by the council shall be consistent with the adopted strategic agenda, the biennial budget process, and the availability of any resources to the physical facilities trust fund.

Effective: May 30, 1997

164.7925 Postsecondary workforce development trust fund.

(1) The postsecondary workforce development trust fund created by KRS 164.7911 is intended to provide financial assistance to further cooperative efforts among community colleges and technical institutions and for the acquisition of equipment and technology necessary to provide quality education programs.

(2) The Council on Postsecondary Education shall develop the criteria and process for submission of an application under this section. The Kentucky Community and Technical College System may apply to the council for financial assistance from the postsecondary workforce development trust fund. Financial assistance shall be awarded for instructional programs ensuring that the community colleges and the technical institutions are able to continually acquire state-of-the-art equipment and technology needed to accomplish their missions.

Effective: May 30, 1997

164.7927 Student financial aid and advancement trust fund.

(1) The student financial aid and advancement trust fund created by KRS 164.7911 is intended to provide financial assistance that encourages student access to postsecondary education including regionally accredited or nationally accredited technical institutions and colleges,
community colleges, public universities, and regionally accredited private colleges and universities.

(b) Appropriations shall be made to the trust fund and allotted to universities and the Kentucky Community and Technical College System or to the Kentucky Higher Education Assistance Authority as the Council on Postsecondary Education deems appropriate. Appropriations made to this trust fund may be used for the College Access Program, the Kentucky Tuition Grant Program, or other student financial aid programs as authorized by the General Assembly.

(c) The council shall establish separate subsidiary programs and related accounts that are consistent with this section, the adopted strategic agenda, the biennial budget process, and the availability of any resources to the student financial aid and advancement trust fund.

(2) (a) The Council on Postsecondary Education, in consultation with the Kentucky Higher Education Assistance Authority, shall determine the nature and purposes of budget requests for funding support to the student financial aid and advancement trust fund. The determination shall be based upon the financial assistance needs and requirements of students of postsecondary regionally accredited or nationally accredited private or public institutions.

(b) A minimum of twenty-five percent (25%) of the student financial aid and advancement trust fund appropriation shall be allotted for the purpose of assisting individuals whose available income, determined in accordance with part F of Title IV of the Higher Education Act of 1965 as amended, is at or below one hundred percent (100%) of the federal income poverty guidelines. From the foregoing allotment, administrators of programs funded under this section may exercise discretion in accordance with 20 U.S.C. sec. 1087tt in awarding student financial assistance benefits on a case-by-case basis to individuals with disabilities, as defined by Title II of the Americans with Disabilities Act, 42 U.S.C. secs. 12131 et seq., whose available income is above the federal income poverty guidelines, whether or not the student qualifies for vocational rehabilitation services. Any funds remaining after all eligible students have been served under this paragraph may be used for other purposes as provided in this section.

(3) The council shall develop the criteria and process for submission of an application under this section. Financial assistance that may be awarded by the council shall be consistent with the adopted strategic agenda, the biennial budget process, and the availability of any resources to the student financial aid and advancement trust fund.

Effective: May 30, 1997


Campus Safety and Security

164.948 Definitions for KRS 164.9481, 164.9483, and 164.9485.
As used in KRS 164.9481, 164.9483, and 164.9485, unless the context requires otherwise:

(1) "Campus" means all property owned, managed, or controlled by an institution of postsecondary education including but not limited to academic buildings; student housing and recreational facilities; residential facilities operated by any officially recognized student organization; all sections of public
KCTCS BOARD OF REGENTS POLICIES

property such as streets, sidewalks, and parking facilities immediately contiguous to campus buildings; and remote facilities leased for use as classroom space or student living.

(2) "Campus security authority" means campus police, security officers, and any official at a postsecondary education institution who has significant responsibility for student and campus activities, including student discipline, student housing, student judicial affairs, and student life administration. Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are not considered campus security authorities.

(3) "Crime" means murder, manslaughter, reckless homicide, assault, menacing, wanton endangerment, terroristic threatening, stalking, forcible or nonforcible sex offenses, burglary, criminal damage to property, arson, theft, motor vehicle theft, robbery, weapons possession, and criminal attempt for any of the aforementioned crimes, and arrests for drug-related violations and liquor law violations.

(4) "Immediately" means before the last fire unit has left the scene in order for the state fire marshal to have the opportunity to speak with fire unit personnel before they leave the scene, but no later than two (2) hours following the time the fire or threat of fire is discovered. In the event of a minor fire to which the local fire officials are not called or do not respond, "immediately" means no later than one (1) hour following the discovery of the fire.

(5) "Postsecondary education institution" means any Kentucky public four (4) year institution or two (2) year community college or technical college that grants a postsecondary education credential, and any private college or university that is licensed by the Council on Postsecondary Education under KRS 164.945 to 164.947.

Effective: July 15, 2010

164.9481 Duty of postsecondary institution to maintain crime log – Duty to report to campus community on crimes and threats to safety or security of students and employees.

(1) Crime log:

(a) Each postsecondary education institution shall make, keep, and maintain a daily log, written in a form approved by the Council on Postsecondary Education that can be easily understood, recording all crimes occurring on campus and reported to campus security authorities or local law enforcement agencies, including:

1. The category of crime, and a description of the incident, date, time, and general location of each crime; and

2. The disposition of the complaint if known, including referral for prosecution, institutional disciplinary proceedings, or investigation by another state agency. The disposition shall include a reference to an investigation or incident report number.

(b) All entries in the campus crime log shall be made available for public inspection within twenty-four (24) hours after the first report of an incident was made to any campus security authority or
local law enforcement officials.

1. If there is clear and convincing evidence that the release of the information would cause a suspect to flee or evade detection, would result in the destruction of evidence, or is prohibited from release by law, the information may be withheld until that damage is no longer likely to occur from the release of the information. Only the information that is absolutely necessary to withhold for the reasons stated in this paragraph may be withheld; all other information shall be released.

2. In the event information is withheld under the provisions of paragraph (a) of this subsection, the crime shall still be reported and made available for public inspection.

(c) The campus crime log required by this section shall be readily accessible and open for public inspection at all times and shall be made available on campus computer networks to which students, employees, and other campus community members have access. Each semester the institution shall notify currently enrolled students, students applying to the institution, and employees of the availability of the campus crime log, where it can be accessed, and the exact electronic address on the computer network.

(2) Special reports: In addition to the campus crime log, each postsecondary education institution shall make timely reports to the campus community on crimes reported to campus security authorities or local law enforcement authorities determined by those authorities to present a safety or security threat to students or employees.

(a) The reports shall be made available to students and employees within twenty-four (24) hours after an incident is first reported.

(b) The information shall be reported in a manner that will aid in the prevention of similar occurrences.

(c) Institutions shall use computer networks and post the reports in each residential facility. The institution may also use flyers and other campus publications including newspapers, and other media.

(d) Each institution shall adopt a policy to comply with this requirement and the policy shall be included in the postsecondary education institution's annual campus safety and security report published in compliance with KRS 164.9485.

Effective: July 14, 2000


164.9483 Jurisdiction and powers of state fire marshal -- Duty of campus security authorities to report fire or threat of fire to fire marshal.

(1) Under the provisions of KRS Chapter 227, the state fire marshal shall have jurisdiction over all property in the state including property of public postsecondary education institutions and property of any private college or university that is licensed by the Council on Postsecondary Education as provided for by KRS 164.945 to 164.947, insofar as it is necessary for the administration and
(2) The state fire marshal or the state fire marshal's employee or appointee may, without delay or advance notice and at all reasonable hours of the day or night, enter in or upon any property defined under KRS 227.200 located on the campus to make an inspection, investigation, or any other action necessary for the purpose of preventing fire loss or determining the origin of any fire.

(3) No person shall obstruct, hinder, or delay such an officer in the performance of his or her duty.

(4) Upon learning of a fire or threat of fire, a campus security authority designated by the college or university president to be responsible and liable for reporting shall immediately report each fire or threat of fire to the state fire marshal in Frankfort and the local deputies, assistants, and employees appointed under KRS 227.230. No fire scene located on a campus shall be cleared or cleaned without the express consent of the state fire marshal to do so after a representative of the state fire marshal has had an opportunity to investigate the scene.

Effective: July 15, 2010


164.9485 Duty of postsecondary institution to submit statement of policies concerning campus safety and security.

Effective September 1, 2000, and each year thereafter, each postsecondary education institution shall submit to the Council on Postsecondary Education a statement of current policies concerning campus safety and security including, but not limited to:

(1) The enforcement authority of security personnel, including their working relationship with state and local police agencies;

(2) A description of programs designed to inform students and employees about the campus safety and security procedures and practices, how to report crimes, and how to prevent crimes; and

(3) Statistics concerning the occurrence of crimes on campus during the most recent calendar year. The statistical data shall be reported by the number of occurrences based on:

(a) Location, broken down in the following classifications:

1. Total number on campus:
   a. Subtotal of occurrences indicating specifically those in dormitories or other residential facilities;
   b. Subtotal of occurrences indicating specifically those in or on noncampus buildings or property; and

2. On public property contiguous to the campus.

(b) Category of crime committed:

1. As defined in KRS 164.948; and

2. By category of prejudice, any crime reported to local police agencies or to a campus security
authority, that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

Effective: July 14, 2000


164.9487 Duty of postsecondary institution to obtain statistics and crime reports – Limitation of liability – Reporting formats.

(1) In complying with the statistical and reporting requirements mandated in KRS 164.948 to 164.9489 and KRS 164.993, an institution shall make a reasonable, good-faith effort to obtain statistics and crime reports from outside agencies. An institution that makes such an effort is not responsible for an outside agency's failure to provide statistics or crime reports or for verifying the accuracy of the statistics or reports that are provided.

(2) The Council on Postsecondary Education shall specify formats for reporting to ensure uniformity.

Effective: July 14, 2000


164.9489 Short title for KRS 164.948 to 164.9489 and KRS 164.993.

KRS 164.948 to 164.9489 and KRS 164.993 may be cited as the Michael Minger Life Safety Act.

Effective: July 15, 2014


Penalties

164.993 Penalties for violation of KRS 164.9481 or 164.9483

(1) Any person, including campus personnel, who knowingly violates the provisions of KRS 164.9481 and 164.9483, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not less than five hundred dollars ($500), nor more than one thousand five hundred dollars ($1,500), or imprisoned in the county jail for up to thirty (30) days, or both.

(2) In addition to the penalties required in subsection (1) of this section, any person or any postsecondary education institution who violates the provisions of KRS 164.9483 shall be liable for a civil penalty of not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000) per violation for each day the violation occurs or remains in effect. The state fire marshal shall have the authority, after investigation, to assess and collect the fines. Any person or postsecondary education institution aggrieved by an assessment of a civil fine may appeal to the Franklin Circuit Court.

Effective: July 15, 2002

CHAPTER 164A
HIGHER EDUCATION FINANCE

164A.050 Kentucky Higher Education Student Loan Corporation -- Establishment -- Organization -- Terms -- Duties -- Removal -- Expenses -- Relationship with other educational entities.

(1) There is hereby created and established an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a body corporate and politic to be known and identified as the Kentucky Higher Education Student Loan Corporation.

(2) The Kentucky Higher Education Student Loan Corporation is created and established as an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the educational opportunities of the citizens and inhabitants of the Commonwealth of Kentucky and other qualified students by a program of financing, making, and purchasing of insured student loans.

(3) (a) Subject to paragraph (b) of this subsection, the corporation shall be governed by a board of directors consisting of:
   1. Eight (8) voting members chosen from the general public residing in the Commonwealth of Kentucky; and
   2. Seven (7) voting members of the board of directors of the Kentucky Higher Education Assistance Authority appointed by the Governor pursuant to KRS 164.746(1)(a)1., who shall serve terms of office on the corporation board of directors coextensive with their respective terms of office on the Kentucky Higher Education Assistance Authority board of directors.

   (b) Upon resignation or expiration of the term of an appointed member of the board of the corporation and the Kentucky Higher Education Assistance Authority, that member's position shall be abolished to reduce the combined number of appointed members of the boards of the corporation and the Kentucky Higher Education Assistance Authority to ten (10) members.

   (c) In addition, the president of the Council on Postsecondary Education, the secretary of the Finance and Administration Cabinet, the president of the Association of Independent Kentucky Colleges and Universities, the State Treasurer, and the commissioner of education, or their designees who shall be another official of the same cabinet or agency, shall serve as ex officio voting members.

(4) The Governor shall appoint directors according to subsection (3)(a)1. of this section from nominees submitted by the Governor's Higher Education Nominating Committee under KRS 164.005 to take office and to exercise all powers thereof immediately. The terms shall be staggered and shall be for a period of four (4) years each. Each director shall serve for the appointed term and, except as provided in subsection (3)(b) of this section, shall serve until a successor has been appointed and has duly qualified.
(5) Except as provided in subsection (3)(b) of this section, in the event of a vacancy, the Governor may appoint a replacement director from nominees submitted by the Governor's Higher Education Nominating Committee under KRS 164.005 who shall hold office during the remainder of the term so vacated.

(6) The Governor may remove any director from the general public in case of incompetency, neglect of duties, gross immorality, or malfeasance in office; and may thereupon declare such office vacant and may appoint a person to fill such vacancy as provided in other cases of vacancy.

(7) The board shall elect from its voting membership a chair, chair-elect, and secretary-treasurer. The executive director of the Kentucky Higher Education Assistance Authority shall serve as executive director of the corporation.

(8) The executive director shall administer, manage, and direct the affairs and business of the corporation, subject to the policies, control, and direction of the board of directors of the corporation. The secretary-treasurer of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation, the minute book or journal of the corporation, and its official seal. The secretary-treasurer may copy all minutes and other records and documents of the corporation and give certificates under the official seal of the corporation to the effect that such copies are true copies and all persons dealing with the corporation may rely upon such certificates.

(9) A majority of the board of directors of the corporation shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes notwithstanding the existence of any vacancies in respect of the board of directors.

(10) Official actions may be taken by the corporation at meetings duly called by the chair upon three (3) days' written notice to each director or upon the concurrence of at least a majority of the directors. In lieu of personal attendance by members of the board of directors at the same location, the board of directors may conduct meetings by teleconference or other available technological means suitable for conducting its business. Meetings of the board shall be open and accessible to the public in accordance with KRS 61.805 to 61.850, and any alternate method of conducting a meeting in lieu of personal attendance shall ensure public access.

(11) Directors, except officers or employees of the state, shall receive one hundred dollars ($100) compensation per day for their services and shall be entitled to payment of any reasonable and necessary expense actually incurred in discharging their duties under this chapter.

(12) Recognizing that the corporation and the Kentucky Higher Education Assistance Authority are governed by identical boards of directors and managed by a common executive director and otherwise share staff functions, the two (2) organizations shall provide technical, clerical, and administrative assistance to each other and for the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust fund, together with necessary office space and personnel, and shall assist each other in all ways
by the performance of any and all actions which may be useful or beneficial in the performance of their public functions.

(13) The corporation shall enter into contracts with the Kentucky Higher Education Assistance Authority, the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust fund as may be proper and appropriate in respect to services which may include but not be limited to the servicing and collection of insured student loans or to facilitate the common administration, operation, and management of the contracting entities.

**Effective:** July 12, 2012


(1) As used in this section:

(a) "Board" means the board of directors of the Kentucky Higher Education Student Loan Corporation acting in the capacity of the board of Asset Resolution Corporation; and

(b) "Corporation" means the Asset Resolution Corporation created in this section.

(2) There is hereby created an instrumentality of the Commonwealth to be known as Asset Resolution Corporation for the purpose of promoting higher educational opportunities for the citizens of the Commonwealth by providing debt resolution services for student loan obligations held by the United States Department of Education or other third-party entities and any other related activity to the extent such activity is not limited or prohibited by statute or other governing authority.

(3) The corporation shall be attached to the Kentucky Higher Education Student Loan Corporation for administrative and reporting purposes and shall be governed, managed, and administered as a separate and distinct instrumentality of the Commonwealth in accordance with this section.

(4) The Kentucky Higher Education Student Loan Corporation and its facilities shall be used and employed in the administration of the corporation, including but not limited to the keeping of records and the employment of staff to assist in the performance of the designated activities of the corporation.

(5) The board shall have the power and authority to:

(a) Sue and be sued;

(b) Promulgate administrative regulations and adopt procedures to implement this section;

(c) Make and enter into contracts necessary for the administration of the corporation;

(d) Adopt a corporate seal and change and amend it from time to time;

(e) Make, execute, and effectuate any and all agreements or other documents with the United States Department of Education, this Commonwealth, any federal or state agency, or any person,
corporation, association, partnership, or other organization or entity and perform other acts necessary or appropriate for the effectuation of its rights and duties pursuant to this section;

(f) Delegate to the Kentucky Higher Education Student Loan Corporation general supervision and direction over the administrative function of the corporation and its employees in carrying out the policies, programs, administrative regulations, and directives of the board;

(g) Carry out the duties and obligations of the corporation pursuant to this section, and to have any and all other powers as may be reasonably necessary for the effectuation of the purposes of the corporation; and

(h) Adopt bylaws for the conduct of its business, including the designation of directors, and prescribe rules, regulations, and policies in connection with the performance of its functions and duties.

(6) Board members, except officers or employees of the state, shall receive compensation for their services in the amount of one hundred dollars ($100) per day for attendance at each board meeting and shall be entitled to payment of any reasonable and necessary expenses actually incurred in discharging their duties under this section.

Effective: July 15, 2014


Financial Management of Institutions of Higher Learning

164A.550 Definitions for KRS 164A.555 to 164A.630.

As used in KRS 164A.555 to 164A.630 unless the context otherwise requires:

(1) "Governing board" means the board of trustees or board of regents constituting the corporate bodies established by KRS 164.160 and 164.310 for the purpose of governing universities and colleges and technical institutions.

(2) "Institutions" means all public supported postsecondary educational institutions in Kentucky recognized in KRS 164.100, 164.290, 164.580, or 164.810(1)(a).

(3) "Affiliated corporation" means a corporate entity which is not a public agency and which is organized pursuant to the provisions of KRS Chapter 273 over which an institution exercises effective control, by means of appointments to its board of directors, and which could not exist or effectively operate in the absence of substantial assistance from an institution.

(4) "Depository bank" means any bank so designated by the Treasurer of the Commonwealth as appropriate for receiving public moneys.

Effective: May 30, 1997


164A.560 Election by institution to perform in accordance with KRS 164A.555 to 164A.630.
(1) The governing boards of the postsecondary educational institutions electing to perform in accordance with KRS 164A.555 to 164A.630 regarding the acquisition of funds, accounting, purchasing, capital construction, and affiliated corporations shall do so by regulation. The responsibility for this election is vested with the governing boards, any other statute to the contrary notwithstanding. The governing board may delegate these responsibilities by regulation to appropriate officials of the institution. The anticipated investment earnings which have been credited to the general fund and the anticipated investment earnings on funds in the capital construction account, excluding revenue bonds, for fiscal years 1982-83 and 1983-84 may be deducted from the respective institution's trust and agency funds on deposit prior to the issuance of a check or transfer to the governing board.

(2) The governing boards of institutions may elect to receive, deposit, collect, retain, invest, disburse, and account for all funds received or due from any source including, but not limited to, state and federal appropriations for the support or maintenance of the general operations or special purpose activities of such institutions. In the event of such election by the governing board:

(a) The treasurer of the institution shall deposit on a timely basis all tuition fees, fees for room and board, incidental fees, contributions, gifts, donations, devises, state and federal appropriations, moneys received from sales and services, admittance fees, and all other moneys received from any source, in a depository bank or banks designated by the governing board.

(b) The governing board shall promulgate rules and regulations limiting disbursements to the amounts and for the purposes for which state appropriations have been made, or for which other moneys have been received. All disbursements shall be recorded in a system of accounts as set forth in KRS 164A.555 to 164A.630. The treasurer of each institution shall prescribe forms to be used with the system of accounts, and no treasurer shall approve any disbursement document unless he determines that the disbursement is to satisfy a liability of the institution incurred for authorized purposes and that the disbursement is to be made from the unexpended balance of a proper allotment.

Effective: May 30, 1997


164A.565 Accrual basis accounting system -- Other records -- Annual report -- Budgets, financial statements, and meetings information to be publicly available on Web site.

(1) The governing board of each postsecondary educational institution making the election authorized in KRS 164A.560 shall as a condition of such election install an accrual basis accounting system conforming with generally accepted accounting principles and procedures established for colleges and universities by the National Association of College and University Business Officers and the American Institute of Certified Public Accountants. The accounting system shall include but not be limited to the following fund structure:
(a) An operating fund group (unrestricted current funds), consisting of all moneys not otherwise restricted, available for general operations, including state appropriations, federal funds, and unrestricted institutional receipts. Separate accounting fund groups may be established for auxiliary enterprises, athletics, hospitals, and other similar operations;

(b) A restricted fund group consisting of appropriations and other receipts restricted as to purpose which shall not be included in the operating fund;

(c) A loan fund group consisting of gifts, grants, and other funds provided and available for loans to students;

(d) An endowment fund group consisting of funds, the principal of which is not currently expendable;

(e) An agency fund group consisting of resources held by the institutions as custodian or fiscal agent for individual students, faculty, staff members, and organizations;

(f) A plant fund group consisting of:
   1. Unexpended plant funds to be used for the acquisition of long-lived assets for institutional purposes (capital construction funds);
   2. Funds for renewal, maintenance, and replacement of institutional buildings, equipment, and other properties; and
   3. Funds set aside for debt service charges and retirement of indebtedness on institutional plant.

(2) A record of each general fund appropriation shall be maintained so as to identify the institutional budgets to which such funds are allotted. Any uncommitted state general funds remaining after the close of business on the last day of the fiscal year shall lapse and be returned to the Treasury of the Commonwealth. Each appropriation shall be used for the intended purpose and where questions of intent arise subject to the provisions of KRS 45.750 and 45.800 in the case of capital construction projects and major items of equipment as defined by these sections, the decision of the secretary of finance and administration, based upon budget work papers, shall be final.

(3) A separate account showing sources of revenue and all expenditures shall be maintained for each capital construction project. At the end of each fiscal year, a report containing a listing of all capital construction projects, with sources of funds, expenditures, and current status for each, shall be submitted to the Capital Projects and Bond Oversight Committee.

(4) Within thirty (30) days after July 15, 1982, the secretary of the Finance and Administration Cabinet shall submit to the Capital Projects and Bond Oversight Committee a complete record of all funds and project records transferred to institutions under the provisions of KRS 164A.555 to 164A.630.

(5) Within thirty (30) days after July 15, 1982, the governing boards shall submit to the Capital Projects and Bond Oversight Committee a report containing a complete list of capital construction projects and unexpended plant funds in existence on July 15, 1982. The source of funds, expenditures, and current status of each project shall be shown.

(6) State general funds appropriated by the General Assembly for capital construction projects and equipment purchases as defined in KRS 45.750 through 45.800 shall not lapse at the end of a fiscal year. They shall be carried forward until the project is completed. Any such unexpended funds
remaining after acceptance of the project as complete shall be returned to a surplus account of the capital construction fund for investment until appropriated and allotted as provided in KRS 45.750 through 45.800.

(7) Long lived assets of the institution, including land, buildings, and capital equipment shall be accounted for in the plant fund group.

(8) The governing boards of each institution shall make an annual report of the financial activity to the Council on Postsecondary Education. The report shall meet the requirements of the council's system of uniform financial reporting for institutions of higher education.

(9) By January 1, 2012, the governing boards of each institution shall make available on the institution's Web site:

(a) The board-approved operating and capital budgets for the current and prior two (2) fiscal years;
(b) The institution's audited financial statements for the previous three (3) fiscal years; and
(c) The agendas and actions of all meetings of the governing board for the previous three (3) years.

Effective: June 8, 2011

164A.570 Annual audit.
The governing board of any postsecondary educational institution making the election prescribed in KRS 164A.560 shall engage a qualified firm of certified public accountants experienced in the auditing of institutions to conduct an annual examination of the institution's financial statements in accordance with generally accepted auditing standards for the purpose of submitting an independent opinion, and preparing a report of findings and recommendations concerning internal accounting controls and procedures, and compliance with KRS 164A.555 to 164A.630. The secretary of the Finance and Administration Cabinet may prescribe the minimum scope of any such audit. The opinion, with the findings and recommendations, shall be forwarded to the Governor, the secretary of the Finance and Administration Cabinet, the Auditor of Public Accounts, the director of the Legislative Research Commission, the president of the Council on Postsecondary Education, and members of the governing board.

Effective: May 30, 1997

164A.575 Purchasing -- Inventories -- Sales of surplus property -- Bidding procedures -- Kentucky-grown agricultural products -- Reports -- Reciprocal preference for resident bidders -- Reverse auctions.

(1) The governing boards of each institution may elect to purchase interest in real property, contractual services, rentals of all types, supplies, materials, equipment, printing, and services, except that competitive bids may not be required for:

(a) Contractual services where no competition exists;
(b) Food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies;

(c) Instructional materials available from only one (1) source;

(d) Where rates are fixed by law or ordinance;

(e) Library books;

(f) Commercial items that are purchased for resale;

(g) Professional, technical, scientific, or artistic services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725;

(h) All other commodities, equipment, and services which, in the reasonable discretion of the board, are available from only one (1) source; and

(i) Interests in real property.

(2) Nothing in this section shall deprive the boards from negotiating with vendors who maintain a General Services Administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between General Services Administration and the vendor affected.

(3) The governing board shall require the institution to take and maintain inventories of plant and equipment.

(4) The governing board shall establish procedures to identify items of common general usage among all departments to foster volume purchasing. It shall establish and enforce schedules for purchasing supplies, materials, and equipment.

(5) The governing board shall have power to salvage, to exchange, and to condemn supplies, equipment, and real property.

(6) Upon the approval of the secretary of the Finance and Administration Cabinet, the governing board may purchase or otherwise acquire all real property determined to be needed for the institution's use. The amount paid shall not exceed the appraised value as determined by a qualified appraiser or the value set by the eminent domain procedure. Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.

(7) The governing board shall sell or otherwise dispose of all real or personal property of the institution which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the board. The determination of the board shall be set forth in an order, and shall be reached only after review of a written request by the institution desiring to dispose of the property. Such request shall describe the property and state the reasons why the institution believes disposal should be effected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the appropriate officer of the
board. Unless the board deems it in the best interest of the institution to proceed otherwise, all such real or personal property shall be sold either by invitation of sealed bids or by public auction; provided, however, that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the Finance and Administration Cabinet or the Transportation Cabinet for such requirements of that department.

(8) Real property or any interest therein may, subject to the provisions of KRS Chapter 45A, be purchased, leased, or otherwise acquired from any officer or employee of any board of the institution, based upon a written application by the grantor or lessor approved by the board, that the employee has not either himself or through any other person influenced or attempted to influence either the board requesting the purchase of the property. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the Secretary of State along with the other documents recorded pursuant to the provisions of KRS Chapter 56.

(9) (a) As used in this section, "construction manager-agency," "construction management-at-risk," "design-bid-build," "design-build," and "construction manager-general contractor" shall have the same meaning as in KRS 45A.030.

(b) For capital construction projects, the procurement may be on a total design-bid-build basis, a design-build basis, construction manager-general contractor basis, or construction management-at-risk basis, whichever in the judgment of the board offers the best value to the taxpayer. Best value shall be determined in accordance with KRS 45A.070. Proposals shall be reviewed by the institution's engineering staff to assure quality and value, and compliance with procurement procedures. All specifications shall be written to promote competition. Services for projects delivered on the design-build basis, construction manager-general contractor basis, or construction management-at-risk basis shall be procured in accordance with KRS 45A.180, KRS 45A.183, and the regulations promulgated in accordance with KRS 45A.180. Nothing in this section shall prohibit the procurement of construction manager-agency services.

(10) The governing board shall attempt in every practicable way to insure the institution's supplying its real needs at the lowest possible cost. To accomplish this the board may enter into cooperative agreements with other public or private institutions of education or health care.

(11) The governing board shall have control and supervision over all purchases of energy-consuming equipment, supplies, and related equipment purchased or acquired by the institution, and shall designate by regulation the manner in which an energy consuming item will be purchased so as to promote energy conservation and acquisition of energy efficient products.

(12) The governing board may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency must be fully explained, in writing, by the vice president responsible for business affairs and such explanation must be approved by the university president. The letter
and approval shall be filed with the record of all such purchases. Where practical, standard
specifications shall be followed in making emergency purchases. A good faith effort shall be
made to effect a competitively established price for emergency purchases.

(13) (a) All governing boards that purchase agricultural products, as defined by KRS 45A.630,
shall, on or before January 1 of each year, provide a report to the Legislative Research
Commission and to the Department of Agriculture describing the types, quantities, and
costs of each product purchased. The report shall be completed on a form provided by the
department.

(b) If purchasing agricultural products, a governing board shall encourage the purchase of
Kentucky-grown agricultural products in accordance with KRS 45A.645. If a governing
board purchases agricultural products through a contract with a vendor or food service
provider, the contract shall require that if Kentucky-grown agricultural products are
purchased, the products shall be purchased in accordance with KRS 45A.645. Only
contracts entered into or renewed after July 15, 2008, shall be required to comply with
the provisions of this subsection.

(c) All governing boards that purchase Kentucky-grown agricultural products shall, on or
before January 1 of each year, provide a report to the Legislative Research Commission
and to the Department of Agriculture describing the types, quantities, and costs of each
product purchased. The report shall be completed on a form provided by the department.

(14) Governing boards shall apply the reciprocal resident bidder preference described in KRS
45A.494 prior to the award of any contract.

(15) Governing boards may authorize the use of reverse auctions as defined in KRS 45A.070 for
the procurement of goods and leases.

Effective: June 24, 2015

2010 Ky. Acts ch. 63, sec. 12, effective July 15, 2010; and ch. 162, sec. 21, effective
sec. 1, effective June 24, 2003; and ch. 98, sec. 16, effective June 24, 2003. --

117, Pt. I, K, 11, (3) at 659.
1.1 **Bylaws.** In the absence of statutory direction, these bylaws shall govern the conduct of the Board of Regents of the Kentucky Community and Technical College System hereinafter referred to as the “Board,” which is a governing board as defined in KRS Chapter 164. No individual member or committee can take official action for the Board unless authorized by the Board.

1.2 **Statutory authority.** The Board is established by KRS 164.310. Its duties and responsibilities are described in KRS 164.350; 164.360; 164.365; and 164.400 and elsewhere in statute.

1.3 **Membership.** As established in KRS 164.321, the Board is composed of fourteen (14) members, as follows: eight (8) members appointed by the Governor according to procedures set forth in statute; and one (1) selected member representing each of the following constituencies, for a total of six (6) additional members: General Education faculty; Occupational/Technical Education faculty; General Education non-teaching personnel; Occupational/Technical Education non-teaching personnel; General Education students; Occupational/Technical Education students. Additional qualifications of these non-appointed members are set forth in statute; the Board shall establish a process for their selection.

Pursuant to KRS 164.321 (10), 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 on Postsecondary Education and a finding of fact by the Council.

1.3.1 **Conflict of Interest.** A Board member shall be considered to have a conflict of interest if: (1) such Board member has existing or potential financial or other interests that impair or reasonably appear to impair such member’s independent unbiased judgment in the discharge of the Board member’s responsibilities to the Board of Regents; or (2) the Board member is aware that a family member or any organization in which the Board member is an officer, director, employee, member, partner, trustee, or controlling stockholder has an existing or potential financial or other interest.

For purposes of this provision, a family member is defined as a spouse, parents, siblings, children, or any other relative if the latter resides in the same house as the Board member. All Board members shall disclose to the Chair of the Board and KCTCS legal services any possible conflict of interest at the earliest practical time. Furthermore, the Board member shall remove himself or herself from discussions of and abstain from voting on such matters under consideration by the KCTCS Board of Regents and its committees. The minutes of such Board meeting shall reflect that a disclosure was made and that the Board member who has a conflict or potential conflict abstained from voting on the matter related to the conflict. Any Board member who is uncertain whether a conflict of interest exists may request that the Board of Regents resolve the question in the Board member’s absence by majority vote.
1.3.2 **KCTCS Board of Regents Development.** The KCTCS Board of Regents believes that to be an effective board it should take responsibility for ensuring its own education in order to be well informed about KCTCS, postsecondary education in Kentucky, and the role of its Board members and their performance as a Board. The KCTCS Board of Regents sets the following expectations for the development of its Board members:

A. **Orientations**
   Pursuant to KRS 164.321, all new Board members will attend and complete an orientation program prescribed by the Council on Postsecondary Education under KRS 164.020, as a condition of their service.

   All new Board members will attend the Governor’s Conference on Postsecondary Education Trusteeship, coordinated by the Kentucky Council on Postsecondary Education, which currently fulfills the statutory requirements of KRS 164.321.

   All new Board members will attend and complete an orientation developed and conducted by the KCTCS Board of Regents Chair and the KCTCS President.

B. **Statewide Governance Conferences**
   All Board members are strongly encouraged to attend the Governor’s Conference on Postsecondary Education Trusteeship which is coordinated by the Kentucky Council on Postsecondary Education.

C. **Board Workshops**
   Board workshops will be scheduled periodically throughout the year to provide more in depth information on relevant topics. Topics may be suggested by any Board member.

D. **National and Regional Conferences**
   Assuming funds are available, the Board may send a member(s) to national and regional conferences. The Executive Committee will recommend to the full Board the member(s) to attend based on the following criteria:

   1. Leadership position on the Board, such as officer or committee chair.
   2. Seniority on the Board.
   3. Work on a specific issue important to the Board that will be addressed at the conference.

   Members attending a national or regional conference on behalf of the Board are expected to adhere to the following guidelines:

   1. Attendance at all sessions of the conference, for the full length of the conference.
   2. Attendance at sessions with relevance to KCTCS.
   3. Preparation of a short report to the Board upon the Board member’s return.

   Reimbursement for expenses incurred by Board members for development will be made pursuant to KCTCS and state travel regulations. Additional guest expenses are not provided.
1.4 **Process for Selection of Non-Appointed Members.** Pursuant to KRS 164.321, the Board shall establish a written process to be published for the selection of the six (6) elected members of the Board.

Student, faculty, and non-teaching personnel representatives for General Education and Occupational/Technical Education shall be elected as follows:

A. **Student Process**
   1. College student body presidents shall meet annually to nominate and elect by secret ballot one KCTCS Student Body Co-President for General Education and one KCTCS Student Body Co-President for Occupational/Technical Education.
   2. The KCTCS Student Body Co-Presidents will serve as the two student regents on the KCTCS Board of Regents.

B. **Faculty Process**
   1. **Eligibility to Serve**
      Full-time faculty at the rank of Assistant Professor or above shall be eligible to serve.
   2. **Certification**
      An eligibility list of full-time faculty shall be certified by each college.
   3. **Filing as a Candidate**
      Eligible faculty may file as a General Education Candidate or an Occupational/Technical Education Candidate based on certification by the college, which shall be submitted to the System Election Officer.
   4. **Eligibility to Vote**
      Full-time faculty with rank of Instructor, Assistant Professor, Associate Professor, or Professor shall be eligible to vote.
   5. **Voting**
      a. A Systemwide election shall be held for General Education Candidates and for Occupational/Technical Education Candidates.
      b. Faculty may vote for one (1) General Education Candidate and for one (1) Occupational/Technical Education Candidate.
      c. The winners of the election shall be determined by a plurality vote.
      d. In the event of a tie, a run-off election shall be held.
      e. The winner of the run-off election shall be determined by a plurality vote.

C. **Non-Teaching Personnel Process**
   1. **Eligibility to Serve**
      College full-time non-teaching personnel, excluding the positions of president/chief executive officer, chancellor, vice president, dean, assistant dean, associate dean, academic department chair, or other administrator, shall be eligible to serve.
   2. **Certification**
      An eligibility list of full-time non-teaching personnel, excluding the positions of president/chief executive officer, chancellor, vice president, dean, assistant dean, associate dean, academic department chair, or other administrator, shall be certified by each college.
   3. **Filing as a Candidate**
Eligible college non-teaching personnel may file as a General Education Candidate or an Occupational/Technical Education Candidate based on certification by the college, which shall be submitted to the System Election Officer.

4. Eligibility to Vote
   All full-time non-teaching personnel, excluding the positions of president/chief executive officer, chancellor, vice president, dean, assistant dean, associate dean, and academic department chair, or other administrator, shall be eligible to vote.

5. Voting
   a. A systemwide election shall be held for General Education Candidates and for eligible Occupational/Technical Education Candidates.
   b. All full-time non-teaching personnel, excluding the positions of president/chief executive officer, chancellor, vice president, dean, assistant dean, associate dean, and academic department chair, or other administrator, may vote for one (1) General Education Candidate and for one (1) Occupational/Technical Candidate.
   c. Winners of the election shall be determined by a plurality vote.
   d. In the event of a tie, a run-off election shall be held.
   e. The winner of the run-off election shall be determined by a plurality vote.

D. Terms of Elected Board Members
   1. Student members shall serve one (1) year terms beginning with the first meeting of the fiscal year that contains the academic year.
   2. Faculty members shall serve three (3) year terms and until their successors are named. Faculty members may be reelected but shall not serve more than two (2) consecutive terms.
   3. Non-teaching personnel shall serve three (3) year terms and until their successors are named. A non-teaching personnel member may be reelected but shall not serve more than two (2) consecutive terms.
   4. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
   5. Elected members of the Board of Regents may not serve simultaneously on local college boards of directors, local faculty senates, the systemwide Faculty Senate, or any local or systemwide senate committee or systemwide senate council in order to avoid a conflict of interest or the appearance of a conflict of interest as defined in Section 1.3.1 of these bylaws. Candidates for elected members of the Board of Regents shall complete a Kentucky Community and Technical College System Board of Regents Elected Members Conflict of Interest Form as part of the election process.

E. Election Procedures
   The KCTCS President shall promulgate administrative procedures to implement this process.

1.5 Mission. In carrying out its duties, the Board shall seek to fulfill the mission of the Kentucky Community and Technical College System as established in KRS 164.580. The Board shall consult with the Council on Postsecondary Education regarding its mission in conformance with the strategic agenda for postsecondary education. The Board may develop a Mission Statement.
Section Two: Officers

2.1 Election. Every two years the Board shall elect from its membership for a two-year term a Chair, a Vice Chair, a Secretary, and such other officers, as it may deem necessary. The Chair shall not serve for more than two consecutive terms. Officers shall serve until their respective successors have been appointed and qualified. The Board shall appoint a Treasurer not from its membership pursuant to KRS 164.330. In the event a vacancy occurs prior to the end of the term of an officer, the Board shall hold a special election to fill the office for the unexpired position of the term.

2.2 Assistant Secretary. The Board Chair may appoint an assistant secretary of the Board, who shall be a member of the staff of the President of the Kentucky Community and Technical College System. Copies of all minutes, papers, and documents of the Board may be certified by the assistant secretary with the same force and effect as though such certification were made by the Secretary of the Board.

Section Three: Regular Meetings

3.1 Meeting schedule. Pursuant to KRS 164.340, the Board will meet at least quarterly. Each quarterly meeting shall be held at such time and at such place as the Chair may designate. Any matter of business relating to the Kentucky Community and Technical College System may be considered at any regular meeting of the Board.

3.2 Attendance. Members who are unable to attend at least seventy-five percent (75%) of the regularly scheduled meetings, including meetings of committees to which they are assigned, during a state fiscal year should consider resignation from the Board. No person may attend any meeting of the Board as a substitute for a Board member, and no person, except a regular member of the Board, shall be entitled to vote in determining the action of the Board at any time.

Section Four: Special Meetings

4.1 Call. Special meetings of the Board may be called by the Chair at his/her discretion and shall be called by the Chair upon the written request of the President of the Kentucky Community and Technical College System or two (2) members of the Board. A special meeting shall be held within twenty (20) days of receipt by the Chair of such a written request. A notice specifying the time, place, and agenda of a special meeting of the Board shall be mailed by the Secretary to each member of the Board at least five (5) days in advance of the meeting date; but notice of three (3) days may be given by telephone or electronic communication when, in the judgment of the Chair, an emergency exists. Such a notice should also be provided to the media pursuant to KRS 61.823.

Purpose. Any matter of business relating to the Kentucky Community and Technical College System may be considered at a special meeting of the Board.
Section Five: Agenda

5.1 Distribution. A copy of the agenda for each regular meeting of the Board, including notice of all expiring terms on or vacancies in membership of the Board or its committees, and, insofar as is practicable, copies of all reports and other materials to be presented to the regular meeting as a part of the agenda, shall be provided by the Assistant Secretary to each member of the Board at least seven (7) days in advance of the regular meeting. If practicable, a copy of the agenda for each special meeting of the Board with reports and other materials to be presented, shall be provided to each member of the Board at least five (5) days in advance of the special meeting. Notice to members shall be by mail, personal delivery, or electronic transmission (such as electronic mail or facsimile) as provided for in KRS 61.823. Pursuant to KRS 61.823, notice of regular and special meetings, to include date, time, and place of the meeting and the agenda, shall be provided to media organizations which have filed a request to receive such notice.

5.2 Preparation. The agenda for a regular or special meeting of the Board shall be prepared by the Assistant Secretary in consultation with the KCTCS President and with the approval of the Board Chair. All requests for inclusion of a given item on the agenda of a particular meeting shall be registered with the Board Chair or the KCTCS President and filed, with supporting documents, if any, with the Assistant Secretary of the Board. A request shall contain the rationale for including the item, along with background information.

5.3 Additions from Board Members or Committees. Any committee or member of the Board may request consideration by the Board, at any regular meeting, of any items not on the agenda of a regular meeting of the Board.

5.4 Additions from Non-Board Members. A non-Board member may request that the Board consider an item at a regular meeting. The request must be submitted in writing to the Board Chair, the KCTCS President, and the Assistant Secretary at least fifteen (15) days in advance of the scheduled meeting. The request shall include the rationale for including the item and background information. The KCTCS President with the approval of the Board Chair shall determine whether or not the request will be granted.

5.5 Standing Committees. The guidelines in Section Five apply to all standing committees.

Section Six: Quorum

6. Quorum. A quorum for the conduct of business by the Board shall equal more than one-half (1/2) of the votes that can be cast.

Section Seven: Presiding Officer

7. Presiding Officer. The Chair shall preside at all regular and special meetings of the Board. In the absence of the Chair, the Vice Chair shall preside. In the absence of the Vice Chair, a presiding elected officer shall be from the membership of the Board.
Section Eight: Power to Vote

8.1 Votes per Member. Pursuant to KRS 164. 321, each of the eight appointed members shall have one vote each, but the six members elected by college constituencies shall vote as follows. The faculty representatives of the Kentucky Community and Technical College System share one (1) vote, which may be cast one-half (1/2) vote each; the two (2) non-teaching personnel representatives share one (1) vote, which may be cast one-half (1/2) vote each; and the two (2) student representatives share one (1) vote, which may be cast one-half (1/2) vote each.

8.2 Matters on which Members may Vote. All members of the Board may vote on all matters coming before the Board for consideration, except that, pursuant to (a) KRS 164.289 and OAG 01-8, the two (2) members representing faculty and the two (2) members representing non-teaching personnel shall not vote on individual compensation matters for themselves or other individual employees of KCTCS. (b) KCTCS Board of Regents Bylaw 1.3.1, Board members who have conflict of interest on such matters under consideration by the KCTCS Board of Regents and its committees.

8.3 Voting Methods. No member may vote by proxy. No vote concerning any matter under consideration by the Board, or by a committee of the Board, may be cast in absentia, by mail, telephone, or electronic mail. However, pursuant to KRS 61.826, votes may be cast during a video teleconference.

Section Nine: Rules of Order

9. Procedures. In the event that the governing statutes or these bylaws are not instructive regarding applicable procedures, the Board shall consult Robert’s Rules of Order (newly revised edition) for applicable procedures.

Section Ten: Committees

10.1 Committees. The Board may organize standing committees and refer matters to them. The Chair may establish special committees and prescribe their duties.

10.2 Standing Committees. Standing committees shall follow these policies, practices, and procedures:

- Membership on these committees is restricted to KCTCS Board members with KCTCS staff assigned by the KCTCS President to assist the committee.

- The KCTCS Board Chair shall appoint members to all committees unless membership is directed by statute or KCTCS Board of Regents Policy.

- The KCTCS Board Chair shall appoint all committee chairs.
• The KCTCS Board Chair shall be an ex officio, voting member of all standing committees unless otherwise indicated by KCTCS Board of Regents action.

• All standing committee meetings, regularly scheduled or special, shall be open to the public unless the matter(s) under discussion meets the exceptions contained in KRS 61.810.

• As a condition for conducting closed session standing committee meetings, all requirements contained in and consistent with KRS Chapter 61 shall be met.

• The standing committee’s regular meetings shall be in conjunction with the KCTCS Board of Regents regular meetings insofar as possible or unless otherwise stated in statute or the KCTCS Board of Regents Bylaws.

• The schedule and agenda of regular standing committee meetings shall be made available to the public through release to the press by written or electronic means pursuant to statute.

• The committee chair may call a special meeting when such a meeting is necessary. The committee chair shall fix the place of the special meetings and the times they are scheduled.

• Notice of all meetings shall comply with current statutory requirements and KCTCS Board of Regents Bylaws Section 5.1 - Distribution.

• The agenda and supporting materials for a regularly scheduled committee meeting shall, to the extent possible, be available to members at least seven days prior to the meeting.

• Minutes of all committee meetings shall be recorded and shall accurately record the deliberations of the committee and all actions taken.

• A quorum shall be required to organize and conduct business and shall be a majority of the membership of the committee.

• An affirmative vote of a majority of the members present shall be required to carry all propositions; when conducting a vote, each committee member shall cast a full-vote or half-vote depending upon statute (KRS 164.321).

• All standing committees shall conduct their business following Robert’s Rules of Order (newly revised edition).

• A committee chair may recognize a non-Board-member speaker.

• The committees shall report any actions taken to the KCTCS Board at its next regular meeting.

• Committee actions are advisory only.
10.2.1 Academic Affairs and Curriculum Committee. The Academic Affairs and Curriculum Committee will be responsible for setting policy related to creating and maintaining the highest level of quality, public accountability, and institutional effectiveness at KCTCS colleges pertaining to educational and training offerings and student services under the auspices of KCTCS. Specifically, the Committee shall advise KCTCS and recommend action on policies related to these areas: 1) existing and proposed academic and technical offerings, including approval of new certificate, diploma, and degree programs and the assessment and evaluation of existing programs; the Kentucky Virtual Campus; and inter-institutional collaboration; 2) workforce development, including the Council on Postsecondary Education, Regional Advisory Groups, and community/institution partnerships; 3) student services; 4) transfer issues, including transition from high school to postsecondary institution concerns, articulation agreements, and admissions and remediation requirements; 5) professional or specialized accreditation; 6) institutional (SACS) accreditation; and 7) institutional effectiveness, with respect to institutional research, student assessment efforts, and the Council on Postsecondary Education’s new academic program eligibility based on equal educational opportunities objectives as governed by KRS 164.020(19).

10.2.2 Finance, Technology, and Human Resources Committee. The purpose of the Finance, Technology, and Human Resources Committee is to recommend policies that create and maintain the highest level of quality, public accountability, and institutional effectiveness pertaining to all matters related to finance, facilities, construction, human resources, and technology. Specifically, the Committee’s responsibility shall be to advise KCTCS and recommend action on policies related to the following areas: 1) budget, including development, administration, and review; 2) financial policies, including audit review, financial compliance, and salaries; 3) facilities, including construction, technological infrastructure; 4) human resources; 5) the Workforce Development Trust Fund; 6) capital fund drives/development, 7) donations of land and funds, including commemorating memorials, and 8) federal grants, where deemed appropriate.

10.2.3 Executive Committee. The Executive Committee shall be responsible for all matters related to the overall administration of KCTCS. Specifically, the Executive Committee shall advise KCTCS and recommend action on policies related to creating and maintaining the highest level of quality, public accountability, and institutional effectiveness at KCTCS colleges as it pertains to the following areas: 1) ensuring that the System’s strategic planning process is completed, including institutional missions and plans, the KCTCS strategic plan, and the statewide strategic agenda; 2) organizational issues, including presidential evaluation and searches, bylaws, and policies; 3) legislative issues; 4) naming opportunities for colleges, campuses, and buildings and local boards of directors; and 5) institutional effectiveness, including the CPE accountability program and benchmarks.

10.2.4 Efficiency, Effectiveness, and Accountability Committee. The purpose of the Efficiency, Effectiveness, and Accountability Committee is to recommend policies related to creating and maintaining the highest level of quality, public accountability, and institutional effectiveness at KCTCS colleges. Specifically, the Committee’s responsibility shall be to advise KCTCS and recommend action on policies related to accountability. The Committee shall operate as a committee of the whole and will meet at least annually to review the System’s accountability reports and recommend accountability goals for the upcoming year.
Section Eleven: Minutes

11.1 Duties of the Secretary. The Secretary shall keep minutes of all meetings of the Board; shall file, index, and preserve all minutes, papers and documents pertaining to the business and proceedings of the Board; shall be custodian of the Board of Regents of the Kentucky Community and Technical College System and of all records of the Board and instruments of the Board. The Secretary shall be responsible for transcribing the minutes of each meeting within a reasonable time and for providing a copy for each member of the Board.

11.2 Approval. The minutes shall not be considered official unless and until approved by the Board.

11.3 Public record. Pursuant to KRS 61.835, the minutes shall be open to public inspection no later than immediately following the next regularly scheduled meeting of the Board.

Section Twelve: Executive Sessions

12. Executive Sessions. All meetings of the Board shall be open to the public unless, consistent with the requirements of KRS 61.810, a meeting is closed to the public by a majority of the cast votes of a quorum of the Board. Any formal action of the Board must be taken in open session.

Section Thirteen: The President of the Kentucky Community and Technical College System

13.1 Appointment. Pursuant to KRS 164.360, the Board shall appoint a President of the Kentucky Community and Technical College System who shall serve at its pleasure.

13.2 Duties. As the chief executive officer of the System, the President shall make proposals to the Board for its consideration, develop and direct the programs and plans established by the Board, ensure compliance with federal and state law, develop reports, budget requests, and proposals to the Council on Postsecondary Education and other state agencies, and make periodic reports to the Board as it may direct. The President is responsible for directing and administering the System staff and for submitting employment matters to the Board for its approval.

13.3 Evaluation. The Board shall perform an evaluation of the KCTCS President and shall fix the compensation and terms of contract.
Section Fourteen: Amendments and Suspensions of Bylaws Provisions

14.1 Amendments. Any provision of these bylaws (except those required or governed by the Kentucky Revised Statutes) may be amended or new provisions added by two thirds (2/3) of the cast votes of a quorum of the Board; provided, that no amendment or addition may be adopted unless its substance first has been introduced at a preceding regular or special meeting of the Board.

14.2 Suspensions. Any provisions of these bylaws (except those required or governed by the Kentucky Revised Statutes) may be suspended at any regular or special meeting of the Board for that meeting by affirmative vote of two-thirds (2/3) of the cast votes of quorum of the Board.

July 21, 1997
Date Adopted by KCTCS Board of Regents

9/21/12
Date of Last Review

Dates of Revisions

SIGNED COPY ON FILE 9/21/12

P.G. Peeples, Sr., Chair
Board of Regents
KCTCS Vision

To be the nation’s premier community and technical college system.

KCTCS Values

- Responsiveness to students, employers, and communities.
- Access with innovative and flexible delivery.
- Trust, respect, and open communication.
- Continuous improvement.
- Inclusion, multiculturalism, and engagement.

KCTCS Strategic Goals 2010-16

- Advance excellence and innovation in teaching, learning, and service.
- Increase student access, transfer, and success.
- Cultivate diversity, multiculturalism, and inclusion.
- Enhance the economic and workforce development of the Commonwealth.
- Promote the recognition and value of KCTCS.

Effective 7-1-10
Kentucky Community and Technical College System
Mission

The mission of KCTCS is to improve the employability and quality of life of Kentucky citizens as the primary provider of:

- College and Workforce Readiness.
- Transfer Education.
- Workforce Education and Training.

Effective 7-1-10
Kentucky Postsecondary Education

Council on Postsecondary Education

- EKU
- KSU
- MoSU
- MuSU
- KCTCS
- NKU
- UK
- UofL
- WKU

Community and Technical Colleges
Functional Organizational Chart

Dr. Jay K. Box, Ed.D.
President

Beth Hilliard,
Chief of Staff

Legal Services

Dr. Rhonda Tracy
CHANCELLOR
- Academic Affairs
- Workforce / Economic Development
- Research & Policy Analysis
- Distance Learning
- Professional Development & Innovation
- Automotive Manufacturing Technical Education Collaborative
- Kentucky Fire Commission

Dr. Gloria McCall
VICE PRESIDENT
- Student Development
- Student Services
- Strategic Enrollment Management
- Financial Aid
- Cultural Diversity
- Advising
- Job Placement & Career Services

Mr. Tim Burcham
VICE PRESIDENT
- Development & Alumni Affairs
- Marketing & Communications
- Web/Digital Services
- Governmental Affairs
- Conference & Event Planning
- Grants and Contracts
- Strategic Planning
- Change and Project Management
- KCTCS Foundation, Inc.

Dr. Paul Czarapata
VICE PRESIDENT
- Technology Solutions
- Business Intelligence & Data Warehousing
- Computing & Network Infrastructure
- Enterprise Systems & End User Support
- Information Security
- Library Services

Mr. Wendell Followell
VICE PRESIDENT
- Finance
- Facilities Support Services
- Human Resources
- Kentucky Board of Emergency Services

KENTUCKY COMMUNITY & TECHNICAL COLLEGE SYSTEM
## KCTCS BOARD OF REGENTS POLICIES

### SECTION 1
Governance Related Policies

1.1  Kentucky Community and Technical College System Responsibilities of the Board of Regents and the President of KCTCS
1.2  KCTCS College Mission Approval Policy
1.3.2.3  Kentucky Community and Technical College System Transfer of Credit
1.3.2.4  Policy on Admission to KCTCS Colleges
1.3.3.1  KCTCS College Board of Directors
1.4  Internal Governance Structure: KCTCS Senate
1.4.1  Senate Council
1.4.2  The Faculty
1.4.2.1  Faculties of Divisions
1.4.3  Authorization
1.5  Administrative Structure of the Kentucky Community and Technical College System
1.5.1  General Organization of the Kentucky Community and Technical College System
1.5.2  Delegation of Authority

### SECTION 2
Human Resources Related Policies

2.0  Kentucky Community and Technical College System Employment
2.0.1  Employment Status Categories
2.0.2  Employee Rights
2.1  Kentucky Community and Technical College System Definition of Faculty, Faculty Rank, and Faculty Titles
2.1.1  Definition of Faculty, Faculty Rank and Faculty Titles
2.5  KCTCS President's Performance Review
2.8  KCTCS Employee Separation
2.8.1  Non-Renewal of Appointment
2.8.2  Termination
2.8.3  Resignation
2.8.4  Retirement
2.9.1.2 Kentucky Community and Technical College System Academic Freedom Policy
2.11.4 Kentucky Community and Technical College System Policy on Salary Supplements* to KCTCS Employees from Outside Sources
2.15.1.2.1 Policy on Dues Deduction
2.16 KCTCS Personnel Dispute Resolution
2.16.1 Informal Personnel Dispute Resolution Procedures
2.16.2 Formal Personnel Dispute Resolution Procedures
2.16.3 KCTCS Independent Third Party Appeal Process
2.17 Independent Third Party Appeal Process for Academic Governance Issues
2.18.7.1 Kentucky Community and Technical College System Policy on Continued Employment Status

SECTION 3
Equal Opportunity, Benefits, Health and Safety Related Policies

3.1 Equal Employment Opportunity
3.7 Kentucky Community and Technical College System Retirement Plan Policies
3.7.1 Retirement Plans
3.7.2 Defined Benefit Plans
3.7.3 403(b) Defined Contribution Plan
3.7.3.1 Contributions as a Percent of Annual Salary
3.7.3.2 Investments
3.7.3.3 Termination of Contributions
3.7.3.4 Retirement Date
3.7.3.5 Sick Leave Conversion
3.7.3.6 Retirement Benefits
3.7.3.7 Periods of Service
3.7.3.8 Contributions During a Leave
3.7.3.9 Purchase of Service Credit
3.7.4 401(a) Defined Contribution Plan
3.7.5 Conversion of Health Insurance Upon Retirement
3.7.5.1 403(b) Defined Contribution Plan Retirees
3.7.5.2 KTRS/KERS
## SECTION 4
### Academic and Service Related Policies

<table>
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<tr>
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<td>KCTCS Review of Educational Units</td>
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<td>Kentucky Community and Technical College System Policy on Strategic Planning and Institutional Effectiveness</td>
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### Financial Related Policies

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## SECTION 6
### Student Affairs Related Policies

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<td>Request for Hearing</td>
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<td>Appointment of a Hearing Officer</td>
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<tr>
<td>6.3.3</td>
<td>Procedures for the Conduct of the Hearing</td>
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</table>
SECTION 7
Independent Foundations, Grants, Contracts and Related Policies

7.4 Recognition of Independent Foundations
   7.4.1 Legal Status
   7.4.2 Board of Directors
   7.4.2.1 Membership
   7.4.2.2 Compensation
   7.4.2.3 Meetings/Minutes
   7.4.2.4 Custody and Care of Funds
   7.4.2.5 Audit/Reporting Guidelines
   7.4.3 Fund-Raising Practices
   7.4.4 Terms and Privileges of Recognition
   7.4.5 Maintaining Recognition

7.5 Naming of Privately Funded Academic Positions

7.6 Private Fund Raising
   7.6.1 Qualified Tax Status of KCTCS
   7.6.1.1 Definition of Gift
   7.6.2 Authority to Accept Gifts and Grants
   7.6.3 Delegation of Authority

7.7 Naming Colleges
   7.7.1 General Guidelines

7.10 Naming of Buildings and Facilities for Private Donors
   7.10.1 General Policies
SECTION 1

Governance Related Policies
1.1 Kentucky Community and Technical College System Responsibilities of the Board of Regents and the President of KCTCS

In order to accomplish the purposes and the goals set forth by the Statutes of the Commonwealth of Kentucky, the Board of Regents and the President of KCTCS have the exclusive authority and the responsibility to:

- manage the affairs, operations and administration of KCTCS;
- make and apply reasonable policies and rules to create an effective and efficient educational delivery system;
- determine the number of employees and to direct the work force to fulfill the mission of KCTCS in an efficient and effective manner;
- hire, classify, transfer and assign work, promote or recall employees;
- discipline employees subject to the appeal process;
- layoff employees because of lack of work or funds, abolish a position, make material changes in educational offerings or the organization of KCTCS;
- schedule hours of work;
- implement and maintain a plan of compensation administration;
- determine the services, processes, and extent of KCTCS operations, including the use of equipment and materials;
- determine the nature, extent, duration, character and method of operations, including, but not limited to, the right to contract out or sub-contract work;
- establish and enforce fair performance standards; and
- determine the size, number, and location of departments and facilities.

This is not intended to be an all-inclusive list.

6-22-98
Date Approved by KCTCS Board of Regents

Date of Last Review

Date of Last Revision
(Include all dates in chronological order)

(SIGNED) 6-22-98 (SIGNED)
Chair, Board of Regents Date President, KCTCS
1.2 KCTCS College Mission Approval Policy

The Commission on Colleges of the Southern Association of Colleges and Schools (SACS) accreditation standards require that the college’s statement of purpose be approved by the governing board and that the Kentucky Community and Technical College System (KCTCS) Board of Regents demonstrates that it periodically reviews and approves mission statements of each of the SACS-accredited colleges under its jurisdiction.

Consistent with this requirement, it is the policy of the KCTCS Board of Regents that each SACS-accredited college have a Board-approved mission statement that is consistent with state statutes, the Council on Postsecondary Education’s strategic agenda, and the KCTCS mission.

The KCTCS President is authorized to develop procedures which assure that SACS-accredited colleges’ mission statements are periodically reviewed and approved. These procedures must include endorsement by the college’s local board of directors, review by the KCTCS Chancellor, and approval by the KCTCS President and Board of Regents.
1.3.2.3 Kentucky Community and Technical College System
Transfer of Credit

The universities and the Kentucky Community and Technical College System shall recognize and accept for transfer credit all courses that were accepted for transfer prior to the establishment of the Kentucky Community and Technical College System, unless a substantial change in the content for teaching the course can be demonstrated to have occurred. Disputes on these matters shall be settled by the Council on Postsecondary Education.

4-30-99

Date Approved by Date of Last Review Date of Last Revision
KCTCS Board of Regents (Include all dates in chronological order)

(SIGNED) 4-30-99 (SIGNED) 4-30-99
Chair, Board of Regents Date President, KCTCS Date
1.3.2.4 Policy on Admission to KCTCS Colleges

Access to postsecondary education is a major goal of the Commonwealth of Kentucky. It is reflected in the Kentucky Council on Postsecondary Education (CPE) strategic plan, *2020 Vision*, in the mission of KCTCS established by the *Kentucky Postsecondary Education Improvement Act of 1997*, and in the KCTCS strategic plan.

CPE clearly articulated a call for change in *2020 Vision*: “Low participation in postsecondary education and below national average per capital income creates a vicious cycle that needs to be broken.” *2020 Vision* foresees “an integrated system of elementary and secondary schools and providers of postsecondary education, committed to meeting the needs of students and the Commonwealth, and acclaimed for excellence, innovation, collaboration, and responsiveness.” KCTCS responsiveness to this call for change is reflected in its vision of creating a comprehensive community and technical college system recognized as the nation’s best. One of the core values undergirding the KCTCS vision is “open access with responsive delivery.”

To this end, the KCTCS Board of Regents strongly supports CPE admission guidelines established in keeping with the charge of *2020 Vision*. As the chief executive officer of KCTCS, the President is authorized to work with the KCTCS leadership, staff, and appropriate faculty groups to promulgate admission procedures to implement the CPE admission guidelines, thereby ensuring access to postsecondary education, the key to prosperity and lifelong learning for all Kentuckians.

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Chair, Board of Regents Date President, KCTCS Date
1.3.3.1 KCTCS College Board of Directors

In compliance with KRS 164.600, there shall be a Board of Directors for each college. The Board of Regents may designate that a local Board of Directors serve more than one college. Each Board of Directors shall:

(a) Recommend one (1) candidate for college president/chief executive officer from three (3) candidates provided by the President of the Kentucky Community and Technical College System. The President shall have the authority to make the final appointment and shall not be bound by the recommendation from the Board of Directors;

(b) Evaluate the college president/chief executive officer and advise the KCTCS President of his or her performance. The President of the Kentucky Community and Technical College System has final authority for the appointment and termination of the college president/chief executive officer;

(c) Approve budget requests for recommendation to the Kentucky Community and Technical College System;

(d) Adopt and amend an annual operating budget and submit it [through appropriate channels] to the Board of Regents of the Kentucky Community and Technical College System for approval as to the compliance with its guidelines; and

(e) Approve a strategic plan that is developed in coordination with local employers, civic leaders, campus constituents, and other postsecondary institutions in the region and that is consistent with the strategic agenda of the General Assembly.

The president/chief executive officer of each college shall have full authority and discretion regarding the use and management of the budget approved by the Board of Regents for the Kentucky Community and Technical College System under KRS 164.350.

Each Board of Directors shall consist of ten (10) members, seven (7) of whom shall be appointed by the Governor from nominees of the respective college nominating commission established under KRS 164.602, for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The other three (3) board members shall be one (1) member of the teaching faculty, one (1) member of the staff, and one (1) member of the student body. An appointed member's term shall be six (6) years.

The faculty member shall be on the teaching or research faculty of the college. The faculty member shall be elected by secret ballot of all full-time faculty members of the college. 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 boards if they cease to be members of the teaching staff of the college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

The staff member shall be a classified or mid-management employee who does not hold faculty rank and who does not hold an upper administrative position. The staff member shall be elected by secret ballot of all full-time staff members of the college. Staff members shall serve for terms of three (3) years and until their successors are elected and qualified. Staff members shall be eligible for reelection, but shall be ineligible to continue to serve as members of the boards if they cease to be members of the staff of the college. An election to fill a vacancy for an unexpired term shall be held in the same manner as an election to an original full term.

The student member shall be elected by secret ballots from the student body of the college to serve a term of one (1) year. The student member shall be a full-time student who maintains permanent residency in the Commonwealth of Kentucky.

If a Board of Directors is designated by the Board of Regents to serve more than one college, the KCTCS President shall define procedures for the selection of the faculty, staff, and student representatives to the Board of Directors to ensure that there is opportunity for all colleges to be represented.

The members of the Board of Directors shall receive no compensation for their services, but shall be paid for their actual and necessary expenses.

No citizen member of the Board of Directors shall have a conflict of interest in accordance with KRS 45A.340 or be a relative of any employee of the college under its jurisdiction. A person who is a member of the Board on July 15, 1998, who is a relative of an employee of the college may finish out the appointed term of office but the member may not be reappointed. As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.
1.4 Internal Governance Structure: KCTCS Senate

The KCTCS Senate "shall have the primary responsibility for determining academic policy and curricula development that shall be recommended to the president of the Kentucky Community and Technical College System (KRS 164.580)." The make-up and functions of the Senate shall be specified in the Rules of the Senate and shall include the following:

- academic policies and curriculum;
- courses and other academic offerings;
- procedures governing admissions, classification, probation, dismissal, and graduation of students;
- academic terms and sample calendars;
- criteria for appointments, reappointments, promotions, and granting of tenure; and
- candidates for degrees, diplomas, and certificates.

1.4.1 Senate Council

The Senate delegates to the Senate Council and/or its committees the largest degree of authority in handling recurring and routine matters in order that meetings of the Senate may be devoted largely to communication and consideration of matters of educational policy.

The Council serves as an executive committee for the Senate in exercising the functions of the Senate. The Council also serves in an advisory capacity to the Chancellor on matters relative to the welfare of the System. The make-up and functions of the Senate Council are found in Rules of the Senate.

1.4.2 The Faculty

The Faculty of the colleges is defined in Board Policy 2.1. An individual may have appointments to more than one Faculty; in such instance, one appointment shall be designated by the appropriate administrative officer as the primary one.

The Faculty shall hold regularly scheduled meetings. In addition, it shall meet in special session on the call of the President of the Kentucky Community and Technical College System, the Chancellor, the president of the college, or at the request of a prescribed number of its membership. Each college Faculty shall establish the quorum for the transaction of business. Copies of minutes of college Faculty meetings shall be made available to the Faculty.

Consistent with the Kentucky Community and Technical College System procedures and the Rules of the Senate, the Faculty as defined in Section 2.1.1 of each college shall establish its own rules, including an organizational structure necessary for the performance of the Faculty’s functions, subject to the review and approval of the college president. Copies of the rules of the Faculty and a
description of the Faculty’s committee structure shall be made available, and a copy filed in the college president’s office. A copy of the bylaws of the Faculty is also to be filed in the Office of the Chancellor.

Within the limits established by the procedures of the Kentucky Community and Technical College System and the Rules of the Senate, the Faculty of a college shall determine the educational policies of that college. It shall make recommendations to the Senate on matters which require the action of that body, and it may make recommendations on other matters to the Senate, to the Chancellor, or to the President of the Kentucky Community and Technical College System.

### 1.4.2.1 Faculties of Divisions

The faculty of a division shall consist of a chairperson and the members of the division who are members of the Faculty of the college. The division faculty has the responsibility for the internal policies of the division, insofar as these policies do not conflict with those of the other divisions, with the rules of the Faculty of the college of which it is a part, or with the Rules of the Senate. It should hold regularly scheduled meetings and is authorized, with the approval of the president of the college, to establish rules for procedure and a committee structure to deal with matters for which it has responsibility. It should establish, with the division chairperson and the president of the college, procedures to be used within the division in advising on the appointment of new members of the division, promotions, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, the granting of tenure (where applicable), and the procedures to be used on the division level in faculty performance evaluations and in the preparation of budget requests.

The division chairperson shall preside over all division faculty meetings, except as the division chairperson may delegate this function, and shall be an ex officio member of all division committees. Copies of minutes of division faculty meetings shall be made available to the faculty of the division and the president of the college.

### 1.4.3 Authorization

At no time will the bylaws, rules, and policies of the Faculty Senate be in conflict with the bylaws and policies of the Board of Regents of KCTCS.

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(SIGNED) 5/14/04
Chair, Board of Regents  Date

(SIGNED) 5/14/04
President, KCTCS  Date
1.5 Administrative Structure of the Kentucky Community and Technical College System

1.5.1 General Organization of the Kentucky Community and Technical College System

The Kentucky Community and Technical College System Board of Regents has full legal authority and responsibility for the governance of the Kentucky Community and Technical College System. The Kentucky Community and Technical College System President is the chief executive officer of the System with broad authority delegated from the Board of Regents.

The KCTCS System Office oversees the operation and management of the KCTCS community and technical colleges.

1.5.2 Delegation of Authority

The Kentucky Community and Technical College System President is appointed by and reports to the Board of Regents. As the chief executive officer of the Kentucky Community and Technical College System, the President recommends to the Board of Regents policies to be considered for adoption, carries out policies determined by the Board of Regents, and has full authority and responsibility over the administration of the academic, business, and fiscal operations of the Kentucky Community and Technical College System.

The President of the Kentucky Community and Technical College System is responsible for all official communication with the Board of Regents, the Council on Postsecondary Education, and governmental and external agencies and has specific responsibilities for the policy, planning, and development functions of the System. The Chancellor and the Vice Presidents of the Kentucky Community and Technical College System and the KCTCS college presidents/chief executive officers report to the President.

As the chief executive officer of the Kentucky Community and Technical College System, the President is authorized by the Board of Regents to promulgate administrative policies and procedures. The President shall, in the operation of System affairs, interpret existing policies and procedures and establish new administrative policies and procedures.

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<td>President, KCTCS</td>
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SECTION 2

Human Resources Related Policies
2.0 Kentucky Community and Technical College System Employment

With the establishment of the Kentucky Community and Technical College System through the *Kentucky Postsecondary Education Improvement Act of 1997* (in sections of KRS Chapter 164), KCTCS is authorized to employ individuals in furtherance of its mission. The KCTCS President is authorized to promulgate administrative procedures to implement this policy.

2.0.1 Employment Status Categories

Employment status determines an employee’s right to continued employment with KCTCS. Based on the process by which the faculty or staff member is employed, the employee has a designated employment status, and/or the right to earn a designated employment status.

KCTCS recognizes seven (7) employment status categories:

A. **Faculty Tenured Employment Status**
   The Board of Regents may grant tenure to faculty upon recommendation by the President of KCTCS and the Chancellor. Tenure for faculty when granted by the Board of Regents in accordance with the Kentucky Community and Technical College System procedures shall be in KCTCS and not at the individual educational unit of the KCTCS colleges. Faculty members who have earned tenure under UKCCS or KCTCS have tenured employment status at KCTCS. The terms of employment are specified in the faculty member’s contract.

B. **Faculty Tenure-Track Employment Status**
   Faculty members working to earn tenured employment status while in a tenure-track (tenure-eligible) position are issued a tenure-track contract and have tenure-track employment status at KCTCS. The terms of employment are specified in the faculty member’s contract.

C. **Term Contract Employment Status**
   Faculty who are employed in a non-tenure-track position are issued a term contract and have term contract employment status. Staff may be issued a term contract and have term contract employment status. Faculty and staff who are employed through a term contract are not eligible to earn KCTCS continued employment status and are subject to the employment terms specified in their contract.

D. **Continued Employment Status**
   Prior to July 1, 2003, newly hired regular status non-contract faculty earned “continued employment status” under the KCTCS personnel system after the Introductory Period was satisfactorily completed. Regular status non-contract staff earn “continued employment status” under the KCTCS personnel system after the Introductory Period is satisfactorily completed. Former UKCCS non-contract staff who exercise the one-time option into the KCTCS personnel system are granted continued employment status.
E. Continuing Employment Status
Former 151B faculty and staff who earned “continuing employment status” under KRS Chapter 151B retain continuing employment status following their transfer to KCTCS under KRS 164.5805, including those who exercise the one-time option into the KCTCS personnel system.

F. “Status” Employment Status
Former 18A staff who earned “status” employment status under KRS Chapter 18A retain “status” employment status following their transfer to KCTCS under KRS 164.5805, including those who exercise the one-time option into the KCTCS personnel system.

G. “At Will” Employment Status
Temporary status non-contract employees shall have “at will” employment status. Regular status less than full-time non-contract employees who are hired on or after July 1, 2004, shall have “at will” employment status. Former UKCCS non-contract staff retain their employment “at will” status following their transfer to KCTCS under KRS 164.5807. For employees under the KCTCS personnel system who are subject to the Introductory Period, they have “at will” employment status during the course of the Introductory Period.

2.0.2 Employee Rights

Employees hired after the establishment of KCTCS are governed by the KCTCS personnel system rules. Employees who were transferred to KCTCS pursuant to KRS Chapter 164 are referred to in KCTCS policies and procedures as “former UKCCS employees” and “former KRS 151B/18A employees,” respectively. Former UKCCS employees transferred to KCTCS pursuant to KRS 164.5807 retain coverage under the personnel rules in the University of Kentucky administrative regulations. Former UKCCS employees with tenure shall retain their tenure. Former 151B/18A employees retain coverage under the applicable personnel rules in Titles 101 and 780 of the Kentucky Administrative Regulations that were in effect on June 30, 1998, and adopted by the KCTCS Board of Regents pursuant to KRS 164.5805(1)(e). Former 151B employees with “continuing employment status” shall retain their “continuing employment status.” Former 18A employees with “status” as their employment status shall retain their “status.” These transferred employees have the right to exercise a one-time option into the KCTCS personnel system. All employee grievances and appeals shall be under the rules provided by the KCTCS policies and procedures.

KCTCS employees under the University of Kentucky administrative regulations who accept other positions in any KCTCS college after June 29, 2001, retain coverage under University of Kentucky administrative regulations until they elect to be covered by the KCTCS personnel system. Former Cabinet for Workforce Development employees who accept other positions in any KCTCS college after June 29, 2001, retain coverage under applicable provisions of Titles 101 and 780 of the Kentucky Administrative Regulations that were in effect on June 30, 1998, until they elect to be covered by the KCTCS personnel system. The employee’s option into the KCTCS personnel system shall be in writing and may be exercised at any time to be made effective on the first day of the applicable pay period.
Positions in the KCTCS System Office shall be positions under the KCTCS personnel system; therefore, employees who choose to accept KCTCS System Office positions shall be governed by KCTCS personnel system policies.

No one other than the KCTCS Board of Regents may alter or modify Board policies. No one other than the KCTCS President may alter or modify administrative policies and procedures. Any alteration or modification of policies must be in writing.

4-30-99
9-25-09

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
(Include all dates in chronological order)

(SIGNED)
9-25-09
(SIGNED)
9-25-09

Chair, Board of Regents
Date
President, KCTCS
Date
2.1 Kentucky Community and Technical College System Definition of Faculty, Faculty Rank, and Faculty Titles

The faculty is comprised of all employees holding faculty rank. Specific employment status categories are described in Board of Regents Policy 2.0.

2.1.1 Definition of Faculty, Faculty Rank, and Faculty Titles

The Faculty of a college shall consist of the following: full-time ranked faculty who teach; full-time ranked librarians; full-time ranked counselors; and other full-time personnel who have faculty rank, tenure, or faculty contract status in the college.

All other administrative or professional personnel shall be considered non faculty in terms of this policy.

Within the limits established by the Kentucky Community and Technical College System Procedures and the *Rules of the Senate*, the faculty members of each college shall determine the educational policies of that college.

A ranked faculty member is a full-time employee of the college who has been appointed to a regular academic rank: Instructor, Lecturer, Assistant Professor, Associate Professor, or Professor; and others that are equivalent to the recognized ranks.
2.5 KCTCS President’s Performance Review

In accordance with the statutory authority of the Commonwealth of Kentucky, the Board of Regents of KCTCS shall exercise jurisdiction over KCTCS. This policy establishes the personnel rules for the annual performance review of the KCTCS President by the Board of Regents.

The purpose of the President’s annual performance review is to assess the individual performance of the President, the effectiveness of the President’s leadership of the System, and the President’s commitment to the progress of the System.

The performance review shall include the following elements:
1. An established performance review period;
2. An established performance review schedule that indicates the manner and timeline for the presentation of performance and assessment data;
3. The President’s assessment of his or her accomplishments, progress in established performance objectives, and satisfaction of job duties and responsibilities; and
4. The Board’s assessment of the President’s accomplishments, progress in established performance objectives, and satisfaction of job duties and responsibilities.

The Board of Regents shall establish process and procedure for implementing the requirements of this policy.

6-10-05  9-18-15  6-10-05; 9-18-15
Date Approved by  Date of Last Review  Date of Last Revision
KCTCS Board of Regents

(SIGNED)  9-18-15  (SIGNED)  9-18-15
Chair, Board of Regents  Date  President, KCTCS  Date

(Include all dates in chronological order)
2.8 KCTCS Employee Separation

At times, it may be necessary for KCTCS or individual employees to initiate a separation of their employment. In addition to KCTCS policies and procedures, separation actions are governed by the employee’s personnel system. To protect the interests of both parties, the KCTCS Board of Regents authorizes the KCTCS President to set forth categories of separation and the policies and procedures related to each category identified below.

2.8.1 Non-Renewal of Appointment

Term contract employment shall end upon the expiration of the stated term as specified in the contract, without additional notice. For initial tenure-track appointments on or after July 1, 2005, notice deadlines for non-renewal of appointment, including subsequent appointments, shall be at least ninety (90) calendar days before the period of appointment ends. For initial tenure-track appointments prior to July 1, 2005, notice deadlines for non-renewal of subsequent appointments shall be as set forth in the initial appointment forms. Colleges shall comply with the minimum standards set forth in KCTCS administrative policies and procedures for the deadlines for providing written notice to inform faculty of non-renewal of appointment.

2.8.2 Termination

Employees may be terminated for violations of applicable laws, policies, procedures, and regulations governing KCTCS employees.

Employees with faculty tenured employment status, faculty tenure-track employment status, term contract employment status, continued employment status, continuing employment status, and “status” employment status, are ensured that any disciplinary action taken against an employee, including termination, shall be for just cause and the employee shall have due process rights. “Just cause” means there is proper and sufficient reason for disciplinary measures.

Except in cases of financial emergency, the termination of a regular faculty appointment shall, in accordance with KRS 164.360, be for reasons of incompetency, neglect of or refusal to perform duties, or for immoral conduct. For regular staff employees just cause includes, but is not limited to, unsatisfactory work performance relative to performance expectations, misconduct, or violations of any of the workplace rules, policies, or regulations contained in the KCTCS Policy Manual or any of the policies, procedures, or regulations applicable to the employee.

Employees with “at will” employment status may be terminated with or without cause.
The KCTCS President is authorized to promulgate administrative procedures to implement this policy. Appropriate procedures shall be followed to implement a faculty or staff termination as specified in *KCTCS Administrative Policies and Procedures* regarding termination. The employee’s employment status determines the procedures by which a termination shall occur.

### 2.8.3 Resignation

Employees in all employment status categories shall provide the proper notice of resignation as specified in *KCTCS Administrative Policies and Procedures* in order to not adversely impact KCTCS operations.

### 2.8.4 Retirement

Eligible KCTCS employees in all employment status categories may retire in accordance with the applicable retirement plan’s policies and procedures. Proper notice of retirement shall be given according to *KCTCS Administrative Policies and Procedures* and the applicable retirement plan.
2.9.1.2 Kentucky Community and Technical College System Academic Freedom Policy

It is the policy of the Kentucky Community and Technical College System to maintain and encourage, within the law, full freedom in inquiry, discourse, teaching, research, and publication; and to protect members of the academic community against influences, from within or without, which will restrict them in the exercise of these freedoms in the faculty members’ areas of scholarly interest. Teachers and students will be permitted and encouraged to investigate any theory, challenge any premise, engage in political and social debate, and express their dissent without jeopardy to their academic careers, provided their behavior is not in violation of the law and does not interfere with the normal operation of the educational programs of the Kentucky Community and Technical College System.

In their roles as citizens, faculty members and students have the same freedoms as other citizens, without institutional censorship or discipline, although they should be mindful that accuracy, forthrightness, and dignity befit their association with the Kentucky Community and Technical College System and their positions as persons of learning. When faculty members or students speak or write as citizens, they should indicate that they are not speaking for their college or the Kentucky Community and Technical College System.

KCTCS faculty members who feel their rights have been violated may file an appeal through the KCTCS Senate Advisory Committee on Appeals as outlined in the KCTCS Policy Manual. Students who feel their rights have been violated may file an appeal through the proper channels as outlined in the Code of Student Conduct Handbook.
2.11.4 Kentucky Community and Technical College System
Policy on Salary Supplements* to KCTCS Employees
from Outside Sources

KCTCS recognizes that the Board of Regents, in order to carry out its responsibilities, has been
statutorily delegated the exclusive jurisdiction over salaries and compensation of KCTCS
employees; and furthermore, that the Board of Regents is statutorily mandated to periodically
evaluate the progress of every institution in KCTCS toward its mission and goals; and, in
addition, that the Board of Regents has the statutory responsibility for holding officers and
officials accountable for institutional missions and for progress on goals and objectives that are
in accordance with the strategic agenda of each institution.

In order to fulfill its statutory duties and responsibilities, the Board of Regents reserves the right
to review and approve all supplementary salary and compensation offered or provided to KCTCS
employees by persons or entities outside KCTCS. From time to time, the Chair of the Board of
Regents may, at his/her total discretion, call upon the KCTCS President to provide complete
salary and compensation information regarding one or more KCTCS employees. This
information may be evaluated by the Board to determine whether the salary supplements
provided to KCTCS employees by outside persons or entities enhance progress toward the
mission, goals, and objectives within the strategic agenda of the college and KCTCS. If the
Board of Regents finds that the additional salary and compensation being received or offered is
not enhancing progress and presents a true conflict of interest, then the Board may direct that the
additional salary and compensation from the outside source or sources be forsaken by the
employee. This policy shall not be used to force forfeiture of all additional salary and
compensation paid to employees from outside sources. Salary supplements, which are deemed by
the Board to benefit KCTCS in the furtherance of the approved institutional mission, goals,
objectives, and strategic agenda, without a true conflict of interest, shall be approved by the
Board of Regents.

* Salary Supplement -- Compensation under the Internal Revenue Code that must be included as gross income on
individual tax returns and is compensation in addition to salary or compensation offered or received by a KCTCS
employee for performance of his or her duties for KCTCS.

12-3-98
Date Approved by
KCTCS Board of Regents

Date of Last Review
12-3-98
(SIGNED)
Chair, Board of Regents

Date of Last Revision
3-98
(Include all dates in
chronological order)

(SIGNED)
President, KCTCS
2.15.1.2.1 Policy on Dues Deduction

The Kentucky Community and Technical College System (KCTCS) may allow professional dues payment for employee membership organizations through the payroll systems, provided that the process does not pose an undue administrative burden on system operations. Employee membership organizations must register with KCTCS and be approved by the KCTCS President in order to be considered for employee dues deduction.

The President is authorized to develop appropriate procedures, costs, and criteria in order to implement the policy delineated above.

5-20-98
Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
(Include all dates in chronological order)

(SIGNED) 5-20-98 (SIGNED)
Chair, Board of Regents Date President, KCTCS
2.16 KCTCS Personnel Dispute Resolution

2.16.1 Informal Personnel Dispute Resolution Procedure

KCTCS firmly believes in openly communicating issues that affect employees and the work environment. Accordingly, KCTCS encourages employees to bring an issue or dispute with a coworker to discuss that issue or dispute directly with that individual. If a resolution is not reached, employees shall arrange a meeting with their immediate supervisor to discuss any concern, problem, or issue that arises during the course of employment. Any information discussed in such meetings is considered confidential to the extent possible. Retaliation against any employee for appropriate usage of open communication channels is prohibited. It is counterproductive to a harmonious workplace for employees to create or repeat rumors or office gossip. It is more constructive for an employee to consult his/her immediate supervisor immediately with any questions. Supervisors have the responsibility to respond promptly to these questions.

All members of the faculty and staff of the Kentucky Community and Technical College System have full rights of communication with administrative officers of the Kentucky Community and Technical College System and Board of Regents through established administrative channels. KCTCS faculty and staff shall send official recommendations and communications to their immediate supervisor. The immediate supervisor, when requested, shall transmit these recommendations or communications, with any comments and recommendations, to the next higher supervisor.

2.16.2 Formal Personnel Dispute Resolution Procedures

All members of the faculty and staff of the Kentucky Community and Technical College System are entitled to appeal any decision affecting terms of their employment by the Kentucky Community and Technical College System through regularly established channels. The Kentucky Community and Technical College System policies and procedures in no way limit the KCTCS President from communicating with members of the faculty and staff, nor do they prevent communication among members of the faculty, staff, administrative officers and the Board of Regents for purposes other than the submission of official recommendations and communications.

In accordance with KRS 164.586, the KCTCS Board of Regents has established a personnel dispute resolution system that is available to all employees. The personnel dispute resolution system includes appeal processes through the faculty KCTCS Senate Advisory Committee on Appeals, the KCTCS Complaint Resolution Procedure, and the KCTCS Independent Third Party Appeal Process.
For faculty appeals related to termination and the procedures used in the promotion process, a faculty member may submit an appeal to be heard by the faculty KCTCS Senate Advisory Committee on Appeals.

The KCTCS Complaint Resolution Procedure is a multi-stage appeals process available for designated types of complaints by faculty and staff, beginning with a review by the employee’s immediate supervisor and may progress through established administrative channels. Through the Complaint Resolution Procedure an employee shall make an oral complaint concerning a violation, misinterpretation or improper application of a specific personnel statute, regulation, safety procedure or policy.

The KCTCS President is authorized to promulgate formal complaint and appeals procedures to comply with KRS 164.586.

After completion of the appeals processes through the faculty KCTCS Senate Advisory Committee on Appeals or the KCTCS Complaint Resolution Procedure, employees may access the KCTCS Independent Third Party Appeal Process for designated types of complaints, as defined in the KCTCS Board of Regents policies regarding the independent third party appeal process.
2.16.3  KCTCS Independent Third Party Appeal Process

In accordance with KRS 164.586 the Board of Regents established a personnel dispute resolution process that results, in the final stage, in an independent third party appeal available for all employees of the Kentucky Community and Technical College System.

Appealable complaints under the Independent Third Party Appeal Process are allegations that a formal, documented adverse employment action taken for misconduct, which resulted in a reduction of earnings, was improper or inappropriate or was taken for reasons which constitute statutorily prohibited discrimination against members of a protected class of which the employee is a member. Appealable complaints include actions to terminate a faculty member or the college president/ceo for reasons of incompetence, neglect of or refusal to perform assigned duties, or for immoral conduct.

Decisions to terminate employees still in their introductory period are not appealable under the Independent Third Party Appeal Process.

"Independent third party" is defined as a neutral party not representing either the employee or KCTCS, the employer. The choice of this independent third party must be conducted in a manner to ensure independence.

An employee may request redress for an appealable complaint through this process provided that the employee has completed the appropriate appeal process, either through the faculty KCTCS Senate Advisory Committee on Appeals or the KCTCS Complaint Resolution Procedure, and received a final decision. The request for an Independent Third Party Appeal Process shall be filed within thirty (30) calendar days of the rendering of the final decision.

At this stage, the employee may choose either the KCTCS Independent Third Party Appeal Process or relief through the courts, but not both.

Any appealable complaint shall be settled through an independent third party appeal process such as the process used by the American Arbitration Association. The first step in an independent third party appeal process will be to determine if the appeal is within the definition of an appealable complaint. Professional fees and expenses of the third party hearing an appeal shall be shared equally by KCTCS and the appellant employee, with the employee share limited to 5% of the employee's annualized gross income from work at KCTCS. Each party pays for its own cost of representation.
For faculty termination appeals, the independent third party appeal process hearing is held on behalf of the KCTCS Board of Regents. Following the hearing and a decision by the Independent Third Party Appeal Process hearing officer, the KCTCS Board shall make the final decision regarding the appeal.

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<td>Chair, Board of Regents</td>
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<td>President, KCTCS</td>
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2.17 Independent Third Party Appeal Process for Academic Governance Issues

Tenure denials and decisions not to renew or extend faculty employment contracts* are matters of academic governance, and therefore related appeals will be handled using a panel of academic experts in an independent third party appeal process. Once a final decision regarding a tenure denial or a decision to not renew or extend a faculty employment contract is rendered under the appropriate process, the faculty member has thirty (30) calendar days to submit a written request to the KCTCS President for an independent third party appeal. An independent third party appeal process shall be provided by a panel of academic experts who are appointed by the KCTCS President from outside KCTCS. The panel shall examine the record to determine whether the appellant received process that is due under rules adopted by the Board of Regents or its designee regarding the process for making decision about tenure denials and non-renewal of contracts. The panel shall make and report a finding to the KCTCS President as soon as practicable whether the appellant received due process that is specified under the rules. The decision of the KCTCS President (as the Board of Regents’ designee) shall be final and shall be presented to the Board of Regents for ratification. Board of Regents' actions on tenure and contract renewals are final.

*This policy is applicable to appeals related to decisions regarding faculty term contracts only in cases of academic freedom issues.
2.18.7.1 Kentucky Community and Technical College System Policy on Continued Employment Status

KCTCS employees to whom the Introductory Period policy applies (those KCTCS employees who are not governed by employment contract, tenure contract, or superceding predecessor personnel system rules) may earn continued employment status. This status means that disciplinary actions shall be for just cause.

The President of KCTCS shall issue administrative procedures to implement this policy.

4-28-00
Date Approved by
KCTCS Board of Regents

Date of Last Review
4-28-00

Date of Last Revision
(Signed) 4-28-00

(Include all dates in chronological order)

(Signed) 4-28-00

Chair, Board of Regents

Date

President, KCTCS

Date
SECTION 3

Equal Opportunity, Benefits, Health and Safety Related Policies
3.1 Equal Employment Opportunity

KCTCS is an equal employment opportunity employer. Employment decisions are based on merit and business needs, and not on race, color, national origin, ethnic origin, gender, sexual orientation, age, religion, creed, physical or mental disability, veteran status, political affiliation or any other factor protected by law.

Equal employment opportunity notices are posted near employee gathering places as required by law. Additionally, they are posted on bulletin boards where employment opportunities are displayed and appropriate on-line communication systems. These notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event that any person believes he or she has been discriminated against.

It is the policy of KCTCS to comply with the Americans with Disabilities Act (ADA). KCTCS will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. KCTCS will also make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on KCTCS.

The President of KCTCS is accountable for developing affirmative action plans consistent with the policies and formats of the KCTCS. The KCTCS Vice President primarily responsible for Human Resources is accountable for implementing affirmative action procedures, for reviewing all appointments, and for keeping appropriate records.

While management is primarily responsible for seeing that KCTCS' equal employment opportunity policies are implemented, all members of the staff share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone.

Any employees, including immediate supervisors, involved in discriminatory practices will be subject to disciplinary action, including termination.
3.7 Kentucky Community and Technical College System Retirement Plan Policies

3.7.1 Retirement Plans
Participation in a KCTCS retirement plan is mandatory and a condition of employment, with the exception of student workers. All eligible employees not enrolled in a KCTCS sponsored plan as of January 1, 2014, shall be required to enroll in a KCTCS sponsored 403(b) defined contribution plan.

3.7.2 Defined Benefit Plans
KTRS is a defined benefit plan for employees employed in selected education-related organizations working in a position that requires certification or a degree from a four-year college or university. KERS is a defined benefit plan for non-instructional employees working in a position with a state university that does not require a degree or certification. The rates for contributions and multipliers for retirement annuities are defined by state statute. An irrevocable, one-time election is made to enter either plan. The employee must remain in that retirement system as long as they are in a position that is covered under that retirement system.

3.7.3 403(b) Defined Contribution Plan
Employees that enroll in a defined contribution plan make an irrevocable, one-time salary reduction (pre-tax) agreement when entering the plan. The employee may not withdraw from the KCTCS 403(b) defined contribution plan as long as that employee remains eligible for plan participation.

3.7.3.1 Contributions as a Percent of Annual Salary

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<th>By the Participant</th>
<th>By the Institution</th>
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<td>5%</td>
<td>10%</td>
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KCTCS, or its designate, will withhold the contribution of the participant from regular salary payments, add its contribution, and remit the combined sum to the retirement plan carrier selected by the participant for the purchase of retirement benefits. Retirement contributions are made on the participant’s salary. Retirement benefits purchased with the combined participant and KCTCS contributions shall become the property of individual participants immediately upon purchase. There is no vesting period. All benefits are for the sole purpose of providing retirement benefits, or death benefits, or both. Participants cannot access their retirement accounts until they
KCTCS BOARD OF REGENTS POLICIES

separate from service with KCTCS except to use their retirement account as collateral on a 403(b) loan, if allowed, from their 403(b) carrier.

An employee hired with an effective date on or after July 1, 2009 shall be subject to a vesting schedule for employer contributions. An employee must work a total of five years (60 months) of continuous service to be able to complete the vesting period and be eligible to receive the employee’s accrued benefits derived from employer contributions.

In addition to other applicable limitations stated in the plan, and notwithstanding any other provisions of the KCTCS retirement policies to the contrary, the annual compensation of each employee taken into account under the plan shall not exceed the Omnibus Budget Reconciliation Act of 1993 (OBRA ’93) annual maximum includable compensation limit.

The OBRA ’93 annual limit is adjusted by the Commissioner of the Internal Revenue Service for increases in the cost of living in accordance with section 401 (a) (17) (B) of the Internal Revenue Code. The cost-of-living adjustment in effect for a calendar year applies to any period, beginning in such calendar year over which compensation is determined. This is the determination period. The determination period may not exceed 12 months. If a determination period consists of fewer than 12 months, the OBRA ’93 annual limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator, which is 12.

Any reference in this plan to the limitation under section 401 (a) (17) of the Code shall mean the OBRA ’93 annual maximum includable compensation limit stated in this provision. The KCTCS Retirement Plan Year is deemed to begin July 1 of a calendar year and end June 30 of the next calendar year.

If compensation for any prior determination period is taken into account in determining an employee’s benefits accruing in the current plan year, the compensation for that prior determination period is subject to the OBRA ’93 annual limit in effect for that prior determination period.

If by applying the above-stated percentages there would be a violation of federal or state laws, as a result of the employee or employer contributions or both, these percentages shall not be applied to the extent of violating applicable laws. In these cases, the amount of the employer contribution that cannot be forwarded to a retirement plan carrier shall be paid to the employee as a temporary salary increase for the balance of the calendar year.

3.7.3.2 Investments

The participant must advise the retirement plan carrier which investment options have been chosen. If two or more options are selected with a retirement carrier, the part of the retirement contribution that is to be allocated to each option shall be specified. A participant may change the investment options by contacting the retirement carrier.
3.7.3.3  Termination of Contributions
Contributions on behalf of a participant in a retirement plan shall terminate upon cessation of employment or retirement.

3.7.3.4  Retirement Date
Retirement is authorized when the combination of the employee’s age and years of regular full-time service (with a minimum of 15 years of continuous service at the time of retirement) equals or exceeds the number 75. Regular part-time service will be counted on a pro rata basis. Employees that are retiring must provide written notification through normal administrative channels to their appropriate Chancellor or Vice President at least three months in advance of the desired retirement date.

3.7.3.5  Sick Leave Conversion
Former UKCCS employees that were employed by the University of Kentucky prior to July 1, 1995, will receive a payment for unused sick leave if the accrued balance is at least 66 days. The first 22 days will be at full pay and the remaining days will be paid at the rate of the KCTCS retirement contribution rate which is currently 10%.

3.7.3.6  Retirement Benefits
Each participant is entitled at retirement to activate any retirement benefits that have been accrued under the KCTCS retirement plan in accordance with the rules established by the retirement plan carriers. In addition to lump sum or partial lump sum provisions, there will be both annuitized and non-annuitized methods of withdrawal. There may be variances in the retirement withdrawal options among the carriers. All retirement plan carriers do not offer the same withdrawal options.

3.7.3.7  Periods of Service
As used in the defined contribution retirement plan, "period of service" means the number of years of full-time employment, plus credit allowed for part-time employment, plus periods in an approved leave of absence status. Employees can earn only one year of service per calendar year, regardless of any extra part-time employment above the normal 37.5-hour work week within KCTCS.

3.7.3.8  Contributions During a Leave
Contributions shall be made only on the actual salary the employee is paid through the KCTCS payroll. Contributions will not be increased for partial salaries. This includes sabbatical leave.
3.7.3.9 Purchase of Service Credit
The 403(b) defined contribution plan does not have a feature that allows the purchase of service from prior service in military, public employment, or higher education positions. This feature is common in defined benefit plans, but is not used in a defined contribution plan.

3.7.4 401(a) Defined Contribution Plan
The KCTCS President, the College President/CEOs, the KCTCS Vice Presidents, and the KCTCS General Counsel are eligible for participation in a 401(a) retirement plan. Participation in this plan is in addition to participation in any other retirement plan for which the employee is eligible.

3.7.5 Conversion of Health Insurance Upon Retirement

3.7.5.1 403(b) Defined Contribution Plan Retirees
Employees that meet the retirement criteria will continue to receive a contribution toward the cost of their health insurance plan. Employees under age 65 will remain on a regular health insurance plan until age 65, while employees that retire and are eligible for Medicare will be placed on a Medicare eligible health insurance plan.

Employees hired with an effective date on or after July 1, 2009, and employees whose participation in the 403(b) defined contribution plan began on or after January 1, 2014, who retire under the provisions of KCTCS Board of Regents Policy 3.7 are not eligible for participation in a KCTCS sponsored retiree health plan.

Employees that retire from the Community Colleges under UK benefits at the time of retirement will receive their health insurance credit per UK policy and participate in the UK health plans. Any Community College employee that has retired under the UK benefits will be ineligible for the health insurance credit available through employment under the KCTCS personnel system.

3.7.5.2 KTRS/KERS
Requirements for health insurance coverage in retirement are established by state statute. Employees should contact the appropriate retirement system office for details.

9-16-98 12-6-13; 3-11-16 8-15-03; 3-13-09; 12-6-13; 3-11-16
Date Approved by Date of Last Review Date of Last Revision
KCTCS Board of Regents (Include all dates in chronological order)

(SIGNED) 3-11-16 (SIGNED) 3-11-16
Chair, Board of Regents Date President, KCTCS Date
SECTION 4

Academic and Service Related Policies
4.1.1.3.5 KCTCS Policy on Library Collections

Each KCTCS college is responsible for the delivery of library and related services to its faculty, students, and other users. In order to be effective, each library must have a policy for the conduct of its operation. At a minimum, the policy must include a statement of purpose and sections addressing the provision of services and maintenance of the collections. The policy on library collections must include, but is not necessarily limited to, the following items:

- Access to reference services and specialized program resources for each instructional location;
- Sufficient access to the collection to support educational, research, and public service programs;
- Organization of print and non-print materials;
- Shared development of collections among librarians, teaching faculty, and researchers, and a definition of the role of each group;
- Resource selection and elimination; and
- Preservation, replacement, or removal of deteriorating materials.
4.3 KCTCS Review of Educational Units

The work of each educational unit in the Kentucky Community and Technical College System shall be reviewed annually as part of the institutional planning and The purpose of unit and annual instructional program review effectiveness process. Instructional program review shall also be conducted on an annual basis.

The purpose of unit and annual instructional program review is to improve the quality of teaching and learning, and public service by systematically reviewing mission, goals, priorities, activities, and outcomes. Continuous unit and program improvement requires a planning process which integrates current goals and priorities with the basic mission. Continual improvement also requires a review process which evaluates progress toward goal achievement and provides feedback which assists in refinement of plans and direction for the unit and program. The planning and review processes used by each unit should be appropriate to that unit, but all such processes will include three basic elements: (I) strategic planning; (II) annual review; and (III) annual instructional program review.

The primary concern is the degree of progress of the educational unit. Thus, the chief administrative officers of the educational units will be evaluated in terms of the unit(s) and program(s) for which they are responsible and not in isolation from these, in relation to the contributions of their units to the broader goals of KCTCS and the Commonwealth, in relation to available resources and support, in relation to established KCTCS priorities, and in terms of the responsibilities defined in the Kentucky Community and Technical College System Procedures.

(I) STRATEGIC PLANNING. The Kentucky Community and Technical College System Strategic Plan establishes the broad framework for planning at all levels of the institution. Within this framework, each unit must engage in a continuous planning process which involves faculty, staff, and students. Clear goals and expected outcomes should be developed for the unit overall as well as for each of its instructional, research, and service programs.

(II) ANNUAL REVIEW. The performance of each educational unit should be reviewed annually by the administrator to whom the unit reports. The annual review should be utilized to assess progress toward goals and to modify where deemed appropriate the unit's goals, priorities, and expected outcomes.

(III) ANNUAL INSTRUCTIONAL PROGRAM REVIEW. The primary purpose of both annual unit review and annual instructional program review is improvement in the quality and effectiveness of the units and their programs.
Each college shall have an Institutional Effectiveness Plan that includes a review of instructional programs that meets Commission on Colleges of the Southern Association of Colleges and Schools (SACS) guidelines and Council on Postsecondary Education (CPE) productivity guidelines. The Institutional Effectiveness Plan is to be submitted to the System annually.

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<th>Date Approved by</th>
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<tbody>
<tr>
<td>KCTCS Board of Regents</td>
<td>6-15-07</td>
<td>2-22-02; 6-15-07</td>
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<tr>
<td>Chair, Board of Regents</td>
<td>6-15-07</td>
<td>President, KCTCS</td>
<td>6-15-07</td>
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4.9 Kentucky Community and Technical College System Policy on Strategic Planning and Institutional Effectiveness

To be the nation’s premier community and technical college system, KCTCS shall develop, implement, and maintain a broad-based process that measures institutional effectiveness. The process shall assess functions, services, and programs in order to provide data to demonstrate the following:

- How well KCTCS is fulfilling its mission “to improve the employability and quality of life of Kentucky citizens....”
- The progress KCTCS is making toward the accomplishment of its strategic plan articulated in goals and stated vision and guided by its values;
- The responsiveness of KCTCS to the statewide planning and accountability efforts expressed in documents such as The Public Agenda for Postsecondary Education in Kentucky of the Council on Postsecondary Education; and
- The responsiveness of KCTCS to stakeholders, including students, employers, faculty, staff, K-12 schools, four-year colleges and universities, accrediting agencies, government agencies, elected officials, and others.

The KCTCS strategic goals shall be used to determine the measurement of institutional effectiveness while considering internal and external factors and including comprehensive, systematic planning and evaluation in all major components, including educational programs, educational support services, financial and physical resources, and administrative procedures.

The institutional effectiveness process shall include performance measures as determined for the strategic plan and may include others as determined at KCTCS colleges.

The process shall provide KCTCS with quantitative and qualitative data that can be used for systematic decision making; for the continuous improvement of functions, services, and programs; and for the realization of systemwide strategic goals.

As the chief executive officer of KCTCS, the President is authorized to promulgate administrative procedures and to ensure that the System infrastructure is adequate for policy implementation.
4.11 Policy on Program Approval

The Board of Regents must approve for KCTCS institutions all new programs that lead to the awarding of an associate in arts degree, associate in fine arts degree, associate in science degree, associate in applied science degree, and a diploma. In order to enhance the System's responsiveness to business and industry pursuant to the goals of the *Kentucky Postsecondary Education Improvement Act of 1997* (as amended), the KCTCS President may approve new credit certificate programs upon recommendation by the KCTCS Chancellor. The KCTCS Board of Regents must ratify the approval of certificate programs at its next regularly scheduled meeting following the KCTCS President's approval.

KCTCS institutions submitting new program proposals must meet all equal opportunity employment and affirmative action eligibility criteria. New programs must support the *Kentucky Postsecondary Education Improvement Act* (as amended) goals of being responsive to the needs of students and employers, avoiding unnecessary program duplication, and increasing inter-institutional collaboration. New programs must adhere to all KCTCS program approval policies and procedures, the *KCTCS Policy on Collaborative Program Development*, and all applicable Council on Postsecondary Education policies and procedures.

As the chief executive officer of KCTCS, the KCTCS President is authorized to promulgate administrative procedures to implement this policy.

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Date Approved by KCTCS Board of Regents: 4-30-99
Date of Last Review: 12-4-09
Date of Last Revision: 12-4-09

(SIGNED) Chair, Board of Regents: 12-4-09
(SIGNED) President, KCTCS: 12-4-09
4.12 Policy on Collaborative Program Development

Kentucky Community and Technical College System (KCTCS) collaborated program development processes shall meet criteria specified by the accrediting bodies of the respective community and technical colleges and any required programmatic standards.

KCTCS program development shall be collaborative, with optimal collaboration the expectation. Program collaboration may consist of fully collaborative programs, joint programs, and articulation/transfer agreements. (See Attachment A)

KCTCS offerings shall include programs that lead to the awarding of: Associate in Science Degrees; Associate in Arts Degrees; Associate in Fine Arts Degrees; Associate in Applied Science Degrees; Certificates; Diplomas; and Continuing Education Units. (See Attachment B)

The high quality, responsive programs resulting from collaborative program development shall meet state, regional and community needs and provide the education and training necessary for developing a workforce with the skills to meet the needs of new and existing industries and improve the quality of life and employability of citizens.

The KCTCS President (or designee) is charged with developing curricula frameworks which shall include (but not be limited to) the consistent use of prefixes, common course numbering, and the elimination of unnecessary duplication in all KCTCS curricula.

The KCTCS President is authorized to develop appropriate procedures and criteria in order to implement the policy delineated above.

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<tr>
<td>9-16-98</td>
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<td>12-5-03; 6-12-09</td>
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<td>12-4-09; 6-15-12</td>
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(SIGNED) 6-15-12

Chair, Board of Regents Date

(SIGNED 6-15-12)

President, KCTCS Date
# Program Collaboration Continuum

<table>
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<tr>
<th>Types of Collaboration</th>
<th>Collaborative Program</th>
<th>Joint Program</th>
<th>Articulation/Transfer Agreements (Programmatic)</th>
<th>Avoidance of Unnecessary Duplication</th>
</tr>
</thead>
</table>
| Characteristics        | A collaborative program is an academic program under the sponsorship of more than one institution or organization and contains elements of resource sharing agreed upon by the partners. None of the participating institutions delivers the entire program alone, and the partnering institutions/organizations share responsibility for the program’s delivery and quality. The credential awarded may indicate the collaborative nature of the program.  
  - If only one institution (primary) offers the degree or credential but other institutions or organizations (secondary) provide some resources, the program at the secondary institution(s) is registered on the Council’s Registry of Degree Programs in an “enrollment-only” reporting category.  
  - If the degree or credential is offered by all institutions participating in the resource-sharing arrangement but only one institution is listed on a graduate’s diploma, the program is registered on the Council’s Registry of Degree Programs in an enrollment- and degree-granting category for each participating institution. | A joint program is an academic program that is sponsored by two or more institutions leading to a single credential or degree, which is conferred by all participating institutions. None of the participating institutions delivers the entire program alone, and all participating institutions and organizations share responsibility for all aspects of the program’s delivery and quality.  
  - The program is registered on the Council’s Registry of Degree Programs in an enrollment and degree-granting category for each institution participating in the joint program. | • Course-by-Course Transfer Credit or Accepted Course Equivalencies  
• Inter-Institutional Agreements  
• Statewide Agreements | Minimum Required |
KCTCS Program Description

- Associate in Science Degree
  
  A. An Associate in Science (AS) degree is designed to transfer into a Baccalaureate of Science degree at a four-year institution. It consists of a general education core requirement of 33 credit hours and additional degree requirements of 12 credit hours and 15 credit hours of electives for 60 credit hours.

  B. General Education Core Requirements:
     
     | Category                        | Credit Hours |
     |---------------------------------|--------------|
     | Written Communications          | 6            |
     | Oral Communications             | 3            |
     | Arts and Humanities             | 6            |
     | Quantitative Reasoning          | 6            |
     | Natural Sciences                | 6            |
     | Social and Behavioral Sciences  | 6            |
     
     Students who complete ENG 105 must take an additional 3 credit hours of General Education from any of the General Education categories. One course must be selected from Humanities and one course from Heritage. One science course must include a laboratory experience. Two disciplines must be represented and different from those in the Arts and Humanities category.

     Subtotal                                      33  credit hours

  C. Associate in Science Requirements (Beyond the Core Requirements):
     
     Select courses from headings in the Core categories and/or Foreign Language. At least 6 credit hours must be selected from Quantitative Reasoning and/or Natural Sciences. Students are advised to choose hours to satisfy pre-major requirements at the institution to which they are transferring.

     Subtotal                                      12  credit hours

  D. Other Requirements: Electives*
     
     Students are advised to choose hours to satisfy pre-major requirements at the institution to which they are transferring.

     Subtotal                                      15  credit hours

     Total                                          60  credit hours

*Computer/digital literacy must be demonstrated either by competency exam or by completing an approved computer/digital literacy course.

Note: General Education Category Certification - All required hours have been completed within a specific category in the general education core requirements.

General Education Full Certification - All 33 hours of general education core requirements have been completed.
Associate in Arts Degree

A. An Associate in Arts (AA) degree provides a foundation in liberal arts and is designed for transfer into a Baccalaureate of Arts degree at a four-year institution. It consists of a general education core requirement of 33 credit hours and additional degree requirements of 12 credit hours and 15 credit hours of electives for 60 credit hours.

B. General Education Core Requirements:

- Written Communications: 6 credit hours
  Students who complete ENG 105 must take an additional 3 credit hours of General Education from any of the General Education categories.

- Oral Communications: 3 credit hours

- Arts and Humanities: 6 credit hours
  One course must be selected from Humanities and one course from Heritage.

- Quantitative Reasoning: 3 credit hours

- Natural Sciences: 3 credit hours
  One science course must include a laboratory experience.

- Social and Behavioral Sciences: 9 credit hours
  Two disciplines must be represented and different from those in the Arts and Humanities category.

- Quantitative Reasoning OR Natural Sciences: 3 credit hours

Subtotal: 33 credit hours

C. Associate in Arts Requirements (Beyond the Core Requirements):

Select courses from headings in the Core categories and/or Foreign Language. At least 6 credit hours must be selected from Arts and Humanities and/or Social and Behavioral Sciences and/or Foreign Language. Students are advised to choose hours to satisfy pre-major requirements at the institution to which they are transferring.

Subtotal: 12 credit hours

D. Other Degree Requirements: Electives*

Students are advised to choose hours to satisfy pre-major requirements at the institution to which they are transferring.

Subtotal: 15 credit hours

Total: 60 credit hours

*Computer/digital literacy must be demonstrated either by competency exam or by completing an approved computer/digital literacy course.

Note: General Education Category Certification - All required hours have been completed within a specific category in the general education core requirements.

General Education Full Certification - All 33 hours of general education core requirements have been completed.
Associate in Fine Arts Degree

A. An Associate in Fine Arts (AFA) degree is designed to transfer into a Baccalaureate of Fine Arts (BFA) program at a four-year institution. It consists of a general education requirement of 24 credits, a fine arts core of 18 credit hours, and 18 additional credit hours of concentration for a 60 credit hour minimum.

B. General Education Component:

Written and Oral Communications 9 credit hours

Students who complete ENG 105 must take an additional 3 credit hours of General Education from any of the General Education categories.

Arts and Humanities 3 credit hours

The course chosen to satisfy this requirement must be from a discipline other than the discipline in the Fine Arts Core and/or Concentration.

Quantitative Reasoning 3 credit hours

Natural Sciences 3 credit hours

Must include a laboratory experience for general education certification in the Natural Sciences category.

Social and Behavioral Sciences 6 credit hours

Subtotal 24 credit hours

C. Fine Arts Core*

Sub-Total 18 credit hours

D. Concentration

Sub-Total 18 credit hours

Total 60 credit hours

*Computer/digital literacy must be demonstrated either by competency exam or by completing an approved computer/digital literacy course.
Associate in Applied Science Degree

A. An Associate in Applied Science (AAS) degree prepares students for technical employment within a two-year period and consists of a minimum of 60 credit hours including a minimum of 15 credit hours of general education and meets the distribution of credit described below:

B. General Education Component:

<table>
<thead>
<tr>
<th>Component</th>
<th>Credit Hours</th>
</tr>
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<tbody>
<tr>
<td>Quantitative Reasoning</td>
<td>3</td>
</tr>
<tr>
<td>Natural Sciences</td>
<td>3</td>
</tr>
<tr>
<td>Social/Behavioral Sciences</td>
<td>3</td>
</tr>
<tr>
<td>Heritage/Humanities</td>
<td>3</td>
</tr>
<tr>
<td>Written Communication</td>
<td>3</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>15</strong></td>
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</table>

The above are minimum general education requirements; additional hours may be required in specific program curricula.

C. Technical & Support Component*

<table>
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<tr>
<th>Component</th>
<th>Credit Hours</th>
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<tbody>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>45-53</strong></td>
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*Computer/digital literacy must be demonstrated either by competency exam or by completing an approved computer/digital literacy course.

General Education and Technical & Support Components must be distributed so that programs do not exceed 68 credit hours.

**Total** 60-68**credit hours

**Existing Approved Programs:**
- An approved program with a curriculum of 60-68 credit hours does not require KCTCS Board of Regents action.
- An exception to the total credit hour limit may be made by the KCTCS Board of Regents if a program has external degree requirements which must be met necessitating an exception request. Documentation (such as specialized accreditation requirements and/or the results of a detailed industry validation of a specialized curriculum) must be submitted to the KCTCS Board of Regents with the request for an exception to the total credit hour limit.

**New Programs:**
- New programs require KCTCS Board of Regents action.
- New programs should be designed with a 60-68 credit hour total limit.
- An exception to the total credit hour limit may be made by the KCTCS Board of Regents if a new program has external degree requirements which must be met necessitating such a request. A request for an exception to the total credit hour limit, including supporting documentation (such as specialized curriculum), must be submitted with the program proposal.

D. AAS degree programs should incorporate multiple exit points, i.e., awarding certificates and diplomas, when possible.
Diploma Program

A. A diploma program is designed to prepare students for technical employment within a one- to two-year period (36-60 credit hours). The total number of credit hours for the diploma must not exceed those required for a degree in the same program of study. A prescribed program of technical and general education courses is designed to prepare students for a specific job title.

Diploma programs provide: preparation for a specific occupation, credit toward an associate degree, and continued training opportunities for certificate program graduates.

B. General Education (select six credits from the following areas)

Area 1 = Written/Oral Communications, Humanities, or Heritage

3 credit hours

Area 2 = Social/Behavioral Sciences, Natural Sciences, or Quantitative Reasoning

3 credit hours

Subtotal 6 credit hours

The diploma program contains general education courses emphasizing the skills identified in the SCANS (Secretary’s Commission on Achieving Necessary Skills) that are critical to entry-level workforce success for persons prepared at the diploma level.

C. Technical & Support*

Subtotal 30-54 credit hours

*The Technical and Support requirements must include a work experience component between 1 and 12 credit hours.

D. Computer/digital literacy must be demonstrated either by competency exam or by successfully completing a computer/digital literacy course as outlined in the program of study.

Total Credit Hours 36-60 credit hours
Certificate Program

A. The primary purpose and features of certificate programs of study are to provide marketable, entry-level skills for a time period less than that required for diploma or associate degree programs. Certificates are organized programs of study consisting of courses designed to meet a defined set of competencies. Certificates qualify students to take external licensure, vendor-based, or skill standards examinations in the field. If standardized external exams are not available in the field of study, certificates prepare students at skill levels expected of employees in an occupation found in the local economy.

Requirements for a certificate are applicable to the requirements of a diploma or associate degree in the same or a related field of study. Requests for exceptions to this characteristic must accompany the documentation needed for approval.

B. Certificates may contain general education courses emphasizing the skills identified in the SCANS report that are critical to entry-level workforce success for persons prepared at the certificate level, and associated with the diploma or associate degree program.

The Secretary’s Commission on Achieving Necessary Skills (SCANS) identified three foundation skills and five competencies necessary for success in the workplace:

- **Foundation Skills**
  - Basic Skills – reading; writing, arithmetic and mathematics, listening, and speaking;
  - Thinking Skills – thinking creatively, making decisions, solving problems, knowing how to learn, and reasoning;
  - Personal Qualities – individual responsibility, self-esteem, sociability, self-management, and integrity/honesty.

- **Competencies**
  - Resources – allocating time, money, materials, space, and staff;
  - Interpersonal Skills – working on teams, teaching others, serving customers, leading, negotiating, and working well with people from culturally diverse backgrounds;
  - Information – acquiring and evaluating data, organizing and maintaining files, interpreting and communicating, and using computers to process information;
  - Systems – understanding social, organizational, and technological systems, monitoring and correcting performance, and designing or improving systems;
  - Technology – selecting equipment and tools, applying technology to specific tasks, and maintaining and troubleshooting technologies.
C. Program Length

A certificate requires completion of an academic program in less than one academic year or is designed for completion in less than 30 semester credit hours by a student enrolled full time. Certificates generally range from 12-30 credit hours. Those certificates with fewer than 12 credit hours or greater than 30 credit hours must include a compelling rationale for either a shorter or longer program.
4.17 Policy on Honorary Degrees

The KCTCS Board of Regents authorizes the individual colleges to award honorary associate degrees in humane letters (honoris causa) to individuals who have contributed significantly to the awarding college or KCTCS. When an individual’s exceptional contributions merit such consideration, the college president/chief executive officer shall make the recommendation for an honorary degree to the President of KCTCS for recommendation to the Board of Regents for approval. Approval shall be granted by the Board of Regents prior to the award being made.
SECTION 5

Financial Related Policies
5.0 Kentucky Community and Technical College System (KCTCS) Financial Management Policy

The Kentucky Community and Technical College System Board of Regents endorses complete and independent financial management regarding the acquisition of funds, accounting, purchasing and affiliated corporations; and the Board endorses implementing the financial management of KCTCS as authorized by KRS 164A.550—164A.630. The Board has elected to perform the financial management functions set forth in KRS 164A.560, Section 2, related to the receipt, deposit, collection, retention, investment, disbursement, and accounting of all funds.

As the governing Board may delegate these responsibilities to appropriate officials within the institution in accordance with KRS 164A.560, the Board hereby authorizes any of the following named officers to perform all necessary financial transactions including establishing and maintaining banking and other financial relationships, opening accounts, signing checks, drafts, orders, and other necessary documents for the payment of money upon the active accounts on behalf of the Kentucky Community and Technical Colleges System:

- President
- Treasurer, Vice President (Finance)
- Assistant Treasurer

Furthermore, the President or Treasurer may execute any resolution required by its depository so long as they are in compliance with this action.

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4-30-99

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
(Include all dates in chronological order)

(SIGNED) 4-30-99 (SIGNED) 4-30-99

Chair, Board of Regents Date President, KCTCS Date
5.1 Policy on KCTCS President Expenses

All expenses incurred by the KCTCS President shall be on a reimbursement basis. The requests for reimbursement shall follow established KCTCS procedures and the KCTCS President’s contract and be reviewed by and approved by the KCTCS Vice President of Finance and the System Director of Business Services prior to payment. The external auditors shall test this procedure as part of their annual audit.
5.4.4 KCTCS Out-of-State Tuition Waiver Policy

The President may authorize community and technical colleges to waive tuition and fees for out-of-state students who live in contiguous states and enroll in those colleges where a tuition reciprocity agreement does not exist. The college must identify the out-of-state counties to be served, identify a compelling need for the waiver, and ensure fiscal restraint and accountability.

As the chief executive officer of KCTCS, the President is authorized to promulgate administrative procedures to implement this policy.
SECTION 6

Student Affairs Related Policies
6.1 KCTCS Code of Student Conduct

The Board of Regents for the Kentucky Community and Technical College System (KCTCS) authorizes the KCTCS President to promulgate policies and procedures that establish the appropriate definition of a student at KCTCS and govern the conduct of individuals who meet that definition of student.

The KCTCS President shall exercise the Board’s delegated authority to direct the creation of and permit subsequent revisions to a Code of Student Conduct (Code) that will set forth the standards expected of students as well as the rights and privileges provided to students as part of their educational experience at KCTCS. In the exercise of this delegated authority, the President may designate the appropriate KCTCS Vice President to act within the internal governance structure of KCTCS for the purpose of creating and/or revising a Code.

The Code shall address student rights to the privacy of their educational records as defined in the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and in Kentucky Revised Statutes 164.283. The Code shall provide notice to students of activities deemed improper or illegal at KCTCS and shall include both disciplinary and academic offenses. It is not required that the Code’s enumeration of standards, expectations, and offenses be exhaustive. The Board of Regents may also impose sanctions for acts that are detrimental to the student body of any or all of our colleges as well as for acts of contumacy, insubordination, or immoral conduct as provided for in KRS 164.370, all offenses that may carry academic or disciplinary sanctions. However, the Code shall contain procedures that provide minimum due process requirements as appropriate to the offense alleged and the sanction sought.

Due process rights for students may vary but in all cases that result in suspension or expulsion of a student, the Board of Regents shall require procedures that comply with KRS 164.370 wherein students may be suspended or expelled for disobedience to the rules of KCTCS or for other conduct of a serious nature. In all cases of suspension or expulsion the final appeal shall be to the Board of Regents.
6.3 Kentucky Community and Technical College System (KCTCS) Formal Hearing Procedures for the Determination of Residency Status Pursuant to 13 KAR 2:045, Section 14

6.3.1 Request for Hearing

A student may request a formal hearing to appeal a determination of residency by a residency review committee.

The student shall make the request in writing to the KCTCS Chancellor within fourteen (14) calendar days after notification of a determination by a residency review committee.

The date of notification is the postmarked date of the mailing of the notice.

6.3.2 Appointment of a Hearing Officer

1. Within ten (10) days after receipt of the written request for a formal hearing, a hearing officer shall be appointed by the KCTCS Chancellor.

2. The hearing officer may be an employee of KCTCS.

3. The hearing officer shall be a person not involved in determinations of residency at KCTCS except for formal hearings.

6.3.3 Procedures for the Conduct of the Hearing

1. The hearing shall be scheduled as soon as practicable.

2. The hearing officer shall give notice in writing to the parties not less than twenty (20) days in advance of the date set for the hearing.

3. The hearing officer shall make a reasonable effort to schedule the hearing on a date that is convenient to both parties.

4. The notice required in subsection B shall be served on the student-appellant by certified mail, return receipt requested. Service by certified mail shall be complete upon the date on which KCTCS receives the return receipt of the returned notice. Notice to KCTCS shall be delivered to the KCTCS Chancellor's office by either first class mail or hand delivery.

5. The hearing officer may convene and conduct a prehearing conference in an effort to settle the matter, to prepare stipulations, to clarify issues, and to decide any other matters that will promote the orderly and prompt conduct of the hearing.

6. The student-appellant shall have the right to present new information and new evidence of Kentucky residence at the prehearing conference if one is held.
7. The hearing officer shall issue a settlement order or a prehearing order regulating the conduct of the hearing. The prehearing order shall include the matters determined at the prehearing conference if one was held.

8. The hearing officer shall preside over the conduct of the hearing, shall rule on any matters presented by the parities in pleadings or motions, and shall allow or require the filing of briefs at appropriate times during the proceedings.

9. Any party may participate in person or be represented by counsel at any and all proceedings in the hearing process.

10. At the hearing, the hearing officer shall accept new evidence and testimony in support of the student's claim of Kentucky residence.

11. Failure to attend the hearing by a party may result in a default order granting or denying relief as appropriate or conduct of the hearing without participation of the defaulting party.

12. The hearing officer may conduct all or part of the hearing or a prehearing conference by telephone, television, or other electronic means, so long as each party to the hearing has an opportunity to hear, and, if technically feasible, to see the entire proceeding as it occurs, and if each party agrees.

13. The hearing shall not be open to the public in order to protect the privacy rights of the student-appellant.

14. In an administrative hearing, findings of fact shall be based exclusively on the evidence on the record. The hearing officer shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this Commonwealth. Hearsay evidence may be admissible, if it is the type of evidence that reasonable and prudent persons would rely on in their daily affairs.

15. All testimony shall be made under oath or affirmation. Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party. The hearing officer may make a written order on the record submitted if the hearing officer determines there are no genuine issues of material fact in dispute and judgment is appropriate as a matter of law.

16. Any party may have the right to inspect, at least five (5) days prior to the hearing, a list of all witnesses the parties expect to call and the available documentary or tangible evidence relating to the hearing, either in person or by counsel. Copies of documentary evidence may be obtained upon the payment of a fee, except documents protected from disclosure by state or federal law. The hearing officer may, in an appropriate case, order that certain documents be included in the record under seal.

17. Objections to evidentiary offers may be made by any party and shall be noted in the record.

18. The hearing officer may take official notice of facts that are not in dispute, or of generally recognized technical or scientific facts.

19. All testimony, motions, and objections in a hearing shall be accurately and completely recorded.
20. The party bringing the appeal shall have the burden of proof that shall be met by a preponderance of the evidence. Failure to meet the burden of proof is grounds for an order from the hearing officer upholding the decision of the residency review committee.

21. The hearing officer shall not communicate off the record with any party to the hearing concerning any substantive issue while the proceeding is pending.

22. If an ex parte communication occurs, the hearing officer shall note the occurrence for the record, and shall place in the record a copy of the communication, if it was written, or a memorandum of the substance of the communication, if it was oral.

23. The hearing officer shall issue to all parties findings of fact, conclusions of law, and a recommendation as soon as practicable, but no later than sixty (60) days after the final evidence is taken and included in the record.

24. The hearing officer shall make a recommendation to the KCTCS Chancellor. The KCTCS Chancellor will make the final decision.
SECTION 7

Independent Foundations, Grants, Contracts, and Related Policies
7.4 Recognition of Independent Foundations

Any independent, not-for-profit foundation organized for the purpose of raising private funds and working to enhance the programs and services for any institution of the Kentucky Community and Technical College System (KCTCS) shall seek recognition as the fund-raising arm of the institution with which it is associated and shall adhere to the following policy:

7.4.1 Legal Status

The foundation shall be recognized by the Internal Revenue Service (IRS) as a Section 501(c)(3) organization. A copy of the IRS Determination of Tax Status shall be supplied to the college and be made available for review upon request to officials of KCTCS.

The foundation’s Articles of Incorporation shall provide that the sole purpose of the foundation is to support the KCTCS college with which it is associated. The Articles shall also provide that, in the event the foundation is dissolved, all assets and property will be transferred to the college that is part of KCTCS.

The foundation’s bylaws will more specifically provide for the role of the foundation, its board of directors, and its committees. The bylaws shall not be inconsistent with these guidelines.

7.4.2 Board of Directors

7.4.2.1 Membership

The foundation’s board of directors should be comprised as follows:

- No less than 6 members and no more than 30 members. Elected board members from the community shall comprise the majority of the foundation board.

- The college president/chief executive officer shall be an ex-officio, voting member of the foundation’s board of directors. Per the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) Principles of Accreditation, “The institution’s chief executive officer has ultimate control of the institution’s fund-raising activities.”

- The college’s chief development officer or other person chosen by the college president/chief executive officer shall be an ex-officio, voting member of the foundation’s board of directors and shall serve as the foundation’s executive director.
At least one member of the foundation’s board of directors shall be elected from the current membership of the college’s board of directors to serve as an ex-officio, voting member.

The terms of all members of the foundation board of directors shall be staggered so that approximately one-third of the terms expire each year, except that the ex-officio members shall serve for the periods that they hold their respective offices.

### 7.4.2.2 Compensation

Members of the foundation’s board of directors shall serve without compensation, but by resolution of the board of directors may be reimbursed for expenses paid or incurred in the performance of their duties as directors.

### 7.4.2.3 Meetings/Minutes

The foundation’s board of directors shall meet a minimum of two times per year with a majority of the members present. The Executive Committee or other committees of the board of directors may meet on a more frequent basis as needed.

The foundation’s Secretary shall keep accurate minutes of all meetings of the directors and shall have the care and custody of the foundation’s minute book.

### 7.4.2.4 Custody and Care of Funds

The foundation shall have a Treasurer who is a voting member of the foundation’s board of directors. The Treasurer, subject to the order of the board of directors, shall have the care and custody of the money, funds, valuable papers, and documents of the foundation, and shall have and exercise, under the supervision of the board of directors, all the powers and duties commonly incident to such office. The Treasurer shall deposit all funds of the foundation in such bank or banks, trust company or trust companies, or with such firm or firms doing a banking business, as the board shall designate.

### 7.4.2.5 Audit/Reporting Guidelines

The foundation shall file annually and make available for public review the IRS Form 990 as required by federal law.
The foundation shall supply annually to KCTCS the names, home and business addresses, and telephone numbers, and titles of its board of directors.

The foundation shall provide to the development office of the college with which it is associated the names and addresses of prospective donors and the donors’ names, addresses, and amounts and designation of gifts received in a manner prescribed by the KCTCS Office of Development, for the purpose of appropriate reporting, acknowledgment, and recognition by KCTCS.

7.4.3 Fund-Raising Practices

The foundation should assure that in all solicitations, the solicitors

- Identify his/her relationship to the foundation and the KCTCS college for which they are seeking support.

- Advise donors at the time of solicitation that they may make contributions directly to the college to be deposited into appropriate gift accounts maintained by the college.

- Clearly state the purpose, programs, and activities for which the funds will be used.

- Conduct fund-raising without excessive pressure.

- Should not directly or indirectly solicit contributions for any purpose by misrepresentation of his/her name, occupation, financial condition, social condition or residence, and no person should make any other misstatement, practice any deception or fraud in connection with any solicitation or any contribution for any purpose.

- The foundation should establish and exercise adequate controls over fund-raising activities and contributions received, including commitment to writing of all fund-raising transactions.

- The foundation should also seek to keep fund-raising and administrative costs below 20% of the foundation’s total annual income.

- In all cases where funds are transferred from the foundation to the college, copies of documentation from the donor(s) that state the intended use of the gift(s), and that include the donor’s name(s) and address(es), shall accompany
the transfer of funds. The foundation, the college, and KCTCS will respect the wishes of donors who wish to remain anonymous.

### 7.4.4 Terms and Privileges of Recognition

During the term of this recognition, the foundation shall be the private fund-raising arm of the college with which it is associated.

The foundation and the college shall enter into a Memorandum of Understanding (MOU) that stipulates the obligations of both parties and defines the use of and compensation for the facilities, equipment, personnel, and services of the college to carry out foundation activities. Such agreements shall be in compliance with guidelines and policies adopted by the KCTCS Board of Regents and shall comply with applicable state laws.

Donors to the foundation during the term of this recognition shall be acknowledged and recognized in the same manner and afforded the same privileges as donors to the college and KCTCS.

### 7.4.5 Maintaining Recognition

Failure to comply with any of these guidelines may cause a foundation to forfeit the KCTCS recognition as a recognized independent foundation and all benefits provided thereby.

A. In the event of failure to comply, a foundation shall be notified in writing that KCTCS is withdrawing its recognition. Unless the foundation secures a renewal of its recognition within 30 days of the receipt of such notice, the foundation shall no longer be recognized.

B. Within 60 days after termination of recognition, the foundation shall transfer to the college with which it is associated all gifts received, including all accrued interest, during the time period of recognition for the purposes restricted by the contributors and/or otherwise provided for in the Memorandum of Understanding (MOU) between the foundation and the college.
7.5 Naming of Privately Funded Academic Positions

The following policy shall govern the establishment of permanent endowment or other private funding for academic positions:

A. Prior approval by the KCTCS Board of Regents is required for the establishment and announcement of an endowment or other private funding that supports the appointment of an academic position.

B. All solicitation of gifts for support of academic positions and the handling of these gifts will be done in accordance with policies and procedures established by the KCTCS President.
7.6 Private Fund Raising

Private gifts and grants are essential to achieving the vision, mission, and goals of the Kentucky Community and Technical College System (KCTCS). Recognizing the important need to create and sustain an environment that encourages the financial investment of individuals, corporations, foundations, trusts, and associations, the KCTCS Board of Regents hereby establishes the following policies to guide the continued advancement and effectiveness of a systemwide, comprehensive private-sector resource development program:

7.6.1 Qualified Tax Status of KCTCS

The Kentucky Community and Technical College System is organized under Internal Revenue Code, Section 170 (b)(1)(A)(ii) as an instrumentality of the Commonwealth of Kentucky and is qualified to receive tax-deductible gifts.

7.6.1.1 Definition of Gift

The Internal Revenue Service defines a charitable contribution as “a donation or gift to or for the use of a qualified organization. It is voluntary and is made without getting or expecting to get anything of equal value. The contributions must be made to a qualified organization and not set aside for use by a specific person.” KCTCS shall consider the term “grant,” when used in a philanthropic context or when referring to a contribution from a non-governmental source, to be synonymous with the term “gift.”

7.6.2 Authority to Accept Gifts and Grants

In accordance with KRS 164.350, the KCTCS Board of Regents is authorized to receive grants of money and expend the same for the use and benefit of the System and its colleges. Furthermore, in accordance with KRS 164.595, the Board shall encourage and may accept donations of land or funds or both to be used in the acquisition, construction, or operation of colleges. The Board may also commemorate donations from private persons or corporations with suitable memorials. In accordance with KRS 164A.595, the governing board may acquire real or personal property by gift and improve such property whenever in the judgment of the governing board it shall be necessary.

While KCTCS will accept gifts made directly to the System, donors will be requested to make gifts to the KCTCS Foundation, Inc., as the recognized fund-raising arm of KCTCS, unless there are unique circumstances that make a direct gift to KCTCS necessary or more appropriate.
7.6.3 Delegation of Authority

KCTCS President. The Board of Regents delegates the authority to formally accept proposed private pledges, gifts, and grants on behalf of KCTCS and any or all of its parts to the KCTCS President or the President’s designee. The receipt of a private pledge, gift, or grant by an employee of KCTCS, other than the President or the President’s designee, does not constitute formal acceptance and is conditional, pending Presidential and/or Board acceptance.

Vice President for Institutional Advancement. The KCTCS Vice President for Institutional Advancement is officially designated by the KCTCS President to accept private pledges, gifts, and grants to KCTCS and any or all of its parts and shall serve as the Executive Director of the KCTCS Foundation, Inc. The KCTCS Office of Institutional Advancement shall establish guidelines and implement procedures for the proper and effective method of solicitation, acceptance, recording, reporting, and acknowledging of private pledges, gifts, and grants by KCTCS and any or all of its parts.

College Presidents/Chief Executive Officers College presidents/chief executive officers, or their designees, shall accept gifts made to the colleges and shall develop institutional policies and procedures for the proper solicitation, acceptance, recording, reporting, and acknowledging of private pledges, gifts, and grants that are consistent with KCTCS policies and procedures.

Recognized Independent Foundations. Independent foundations, which have been recognized by KCTCS in accordance with the KCTCS Board of Regents Policy 7.4 – Recognition of Independent Foundations, may solicit and accept private pledges, gifts, and grants on behalf of the institutions with which they are associated. Recognized independent foundations shall develop policies and procedures for the proper solicitation, acceptance, recording, reporting, and acknowledging of private pledges, gifts, and grants. These policies and procedures shall not be inconsistent with KCTCS policies and procedures.

The KCTCS President shall develop procedures to implement Private Fund Raising.
7.7 Naming Colleges

As authorized by KRS 164.350, the KCTCS Board of Regents has naming authority for KCTCS colleges, college buildings, and facilities.

Choosing appropriate names for colleges of the Kentucky Community and Technical College System (KCTCS) is of the utmost importance in conveying to the public the value of postsecondary education and training, the strong support of the public and private sectors for the Vision and Mission of KCTCS, and an image of the highest integrity and excellence.

Establishing policies and guidelines for naming colleges will serve the following ends:

- Assist the colleges, the KCTCS President, and the KCTCS Board of Regents in selecting suitable names for all KCTCS colleges.
- Encourage participation in the naming process by the KCTCS Board of Regents, System staff, community, college boards, administration, faculty, staff, students, alumni, and friends.
- Communicate clearly the considerations involved in naming colleges.

7.7.1 General Guidelines

A. All KCTCS colleges should carry, as part of their names, remarkable associations of the proposed name with either the history of the college and/or System, the geographical location, the city and/or region in which the college(s) is located, the Commonwealth of Kentucky, the nation, or with the advancement of knowledge and learning.

B. Those who present recommendations for college names should take into account the following:

- How it contributes to advancing the Vision and Mission of KCTCS.
- The potential impact on the accreditation status of the college.
- How the name(s) will be treated when two or more institutions have consolidated functions, programs, and services.
- The impact the proposed name might have on other colleges within the System and/or other organizations or entities that are affiliated with the college that carry similar names.
- The impact on all internal/external displays of the college name and graphic image (logo, letterhead, printed materials, building and highway signage, web page, print and media advertising, etc).
- The impact on the internal and external recognition, perception, and acceptance of the proposed name.
- How it promotes uniformity among the names of KCTCS colleges.
- The budgetary impact.
C. Special consideration should be given to the background of the original name before recommending new names for existing colleges.

D. Considerable discretion and historical perspective should be observed before proposing college names that will most likely remain memorable long beyond the lifetime of those who propose the name.

E. The naming of colleges for persons in active service to the college or the System, whether as an employee or as a volunteer, is prohibited. The same holds true for elected officials at the local, state, or national level.

F. Off-campus sites and branch campuses should ordinarily be given names that describe their geographical location, regardless of other names that may also be given them.

G. Regardless of the name being requested for a college, whether existing or new, it shall include the words “Community and Technical College.”

H. Consultations between all interested parties should precede recommendations to the KCTCS Board of Regents.

The duty of recommending college names shall be vested in a Naming Advisory Committee appointed by and reporting to the KCTCS President. The KCTCS President shall develop the procedures to implement Naming Colleges.
7.10 Naming of Buildings and Facilities for Private Donors

As authorized by KRS 164.350, the KCTCS Board of Regents has naming authority for colleges and for college buildings and facilities. Choosing appropriate names for buildings of the Kentucky Community and Technical College System is of the utmost importance in conveying to the public the value of postsecondary education and training, the strong support of the public and private sectors for the vision and mission of KCTCS, and an image of the highest integrity and excellence.

Establishing policies for naming buildings will serve the following ends:

- Aid the colleges, the KCTCS President, and the Board of Regents in selecting suitable names for all KCTCS buildings and facilities;
- Encourage participation in the naming process by the regents, System staff, community, college boards, administration, faculty, staff, students, alumni, and friends; and
- Make more generally understood the considerations involved in suitably naming buildings.

7.10.1 General Policies

A. All KCTCS buildings should carry, as part of their names, terms that describe their function(s), regardless of other names that may also be given them. Functionally descriptive names attached to buildings, however, do not prevent their subsequent use for different purposes and with different names.

B. When another name seems more appropriate than a functionally descriptive one, recommendations should demonstrate the following:

1. Remarkable associations of the proposed name with either the history of the college and/or System, the Commonwealth of Kentucky, the nation, or with the advancement of knowledge and learning;
2. That the proposed name will remain memorable long beyond the lifetime of those who propose the name.

C. Considerable discretion and historical perspective should be observed before proposing building names. The recommendations of persons in active service to the college or the System, whether as an employee or as a volunteer, should be discouraged. The same holds true for elected officials at the local, state, or national level.

D. It is appropriate and often very desirable to name a building (or parts thereof) to express the esteem and appreciation the college and/or KCTCS feels for an individual, family, business, or organization that has given significantly and voluntarily of their time and money and/or who has brought extraordinary honor to the institution/System by their accomplishments. Whenever possible, the name should grace a structure that houses
some activity appropriate to the field of interest or endeavor of the named person or
group.

E. Buildings devoted to the interests of a single administrative or academic unit may carry
names associated historically with that field of study/endeavor or whose expressed
interests in that field merit being honored or memorialized.

F. General administrative and multipurpose office and classroom buildings serving several
disciplines or offices may properly carry names of historical significance to the
college/System as a whole, as distinct from those names of interest only to a particular
function or use.

G. Off-campus structures should ordinarily be given names that describe their geographical
location, regardless of other names that may also be given them.

H. Service structures should carry only functionally descriptive names.

I. When no final determination of the name of a new building seems appropriate at the time
of construction or occupancy, it shall be given a functionally descriptive name until such
time as circumstances warrant a permanent name.

J. The names of certain existing buildings which reflect participation in underwriting their
construction by some donor, subscription, or other special circumstance, and whose
original use was designed for particular occupants, may come in question when occupancy
is changed. In such cases, special consideration should be given to the determination of its
original name. Consultations between all interested parties should precede
recommendations to the Board of Regents.

K. The names of rooms in a building (or spaces within or an adjoining building) shall be left
to the discretion of the college president/chief executive officer administering the space.
However, it is recommended that local administrators follow the spirit, if not the letter, of
the policies and guidelines for naming buildings when affixing names to other parts of the
facilities.

L. The duty of recommending building names shall be vested in a Named Building Advisory
Committee appointed by and reporting to the KCTCS President.

M. Naming a building for a private donor should meet one of the following guidelines:

1. The donor's contribution represents approximately 25% of the building's current value
(if an existing facility) or the projected construction costs of a new building. For
example, a $10 million facility would require an approximate private gift of $2.5
million to consider naming the facility for the donor; or

2. The donor's contribution represents approximately 25% of the total capital campaign
fund-raising goal. For example, a $10 million capital campaign fund-raising goal
would require an approximate gift of $2.5 million to consider naming a facility for the
donor.
The KCTCS President shall develop the procedures to implement the *Naming of Buildings and Facilities for Private Donors*. 

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**Date Approved by**
KCTCS Board of Regents

**Date of Last Review**
9-23-05

**Date of Last Revision**
9-23-05

*(Include all dates in chronological order)*

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(SIGNED)
Chair, Board of Regents

Date

(SIGNED)
President, KCTCS

Date