

BOARD OF REGENTS

RESOLUTION

**BOARD POLICY IMPLEMENTING HOUSE BILL 490
REGARDING REMOVAL OF FACULTY FROM EMPLOYMENT
FOR BONA FIDE FINANCIAL REASONS**

WHEREAS, KRS 164.360 (House Bill 490, 2026 session) requires the Board of Regents to adopt a policy by October 1, 2026, that implements new legal requirements regarding removal of faculty for bona fide financial reasons; and

WHEREAS, following a consultative process with administrative and faculty leadership, the Board of Regents has determined that adoption of the attached Board policy is necessary to comply with Kentucky law, is consistent with the Board's governance functions, and advances the best interests of the institution.

BE IT RESOLVED that the Board of Regents approves and adopts the attached policy on Removal of Faculty for Bona Fide Financial Reasons and related Board Meeting and Hearing Procedures. The Executive Vice President and Provost must distribute the policy and procedures to all faculty no later than October 1, 2026.

BE IT FURTHER RESOLVED that the Faculty Senate may initiate proposed revisions to the Faculty Policy and Procedures Handbook in order to replicate the Board's policy within the Handbook and may present those proposed revisions for the Board's review and consideration.

BOARD OF REGENTS
NORTHERN KENTUCKY UNIVERSITY
REMOVAL OF FACULTY FOR BONA FIDE FINANCIAL REASONS

Policy Statement

The Board of Regents may approve removal of a faculty member from employment for bona fide financial reasons pursuant to this policy, KRS 164.360, and other applicable authorities.

Decisions to remove faculty from employment for bona fide financial reasons must be informed by careful, prudent judgments regarding the institution's opportunities and needs. Proposed removals will be approved only where they meet the requirements of this policy and applicable law, are in the best interests of the University and its students, and advance excellence in the achievement of the institution's programs and mission.

These decisions also are guided by respect for faculty tenure, which contributes to the vibrant community of scholars on our campus. A decision to remove faculty may be undertaken only after the careful review and protections required by this policy. This policy applies to removal of faculty of any status or rank.

This policy may not be used to remove a faculty member because of that faculty member's exercise of professional judgment in teaching, scholarship, or research within the faculty member's academic discipline, which is protected by academic freedom, or because of that faculty member's expression protected by the First Amendment, including expression of ideological and political viewpoints and expression made in furtherance of Faculty Senate and other faculty governance functions.

Removal of faculty may occur only upon written recommendation from the President and following a majority vote of a quorum of the Board of Regents, according to the process described below.

This policy provides an independent basis and process for removal of faculty from employment in addition to, and separate from, provisions in the Faculty Policies and Procedures Handbook and other authorities. The Handbook's provisions regarding separation of faculty, including but not limited to Handbook provisions regarding program reduction (section 10.6) and financial exigency (section 10.7), do not apply to removals undertaken pursuant to this policy. In the event of a conflict between the Handbook and this policy, this policy controls.

Kentucky Law

Kentucky law provides that faculty may be removed from employment by the Board of Regents "for bona fide financial reasons, including but not limited to: (i) financial exigency; (ii) low enrollment in a particular program or major; or (iii) misalignment of revenue and costs in a particular college, department, program, or major." KRS 164.360.

President's Recommendation for Removal

The Board's consideration of a proposed removal for bona fide financial reasons may be initiated only by a written recommendation from the President. The recommendation must demonstrate consideration of the factors required by this policy and include appropriate supporting explanation and information.

Required Consultations: The President's recommendation must demonstrate good-faith consultation with the Executive Vice President and Provost, administrative leadership of relevant colleges, and the Executive Committee of Faculty Senate or other committee whose membership is determined by the Faculty Senate. The Faculty Senate may request that non-faculty administrators, staff, and students be included on any such committee, and the President will assist in coordinating the participation of those designees in good faith. The Faculty Senate committee and other individuals consulted during this process must participate and respond promptly and within reasonable timelines established by the President, given the time sensitivities associated with the financial decisions contemplated by this policy.

Content of the Recommendation: The President's recommendation must contain two components: (i) the President's determination regarding the existence of bona fide financial reasons that require removal of faculty from employment; and (ii) the President's proposed implementation plan regarding the faculty to be removed, including a description of other measures taken or proposed to address the financial condition.

The recommendation must reflect a prudent, holistic assessment of the factors described below. There are no metrics or thresholds that would automatically require removal of faculty, and no single factor is conclusive. Depending on the circumstances, certain factors may be less relevant or may carry more or less weight, and if so, the recommendation should reflect that assessment.

Bona Fide Financial Reasons: The President may recommend removal of faculty from employment for one or more of the following bona fide financial reasons:

- Financial exigency, which is an imminent and extraordinary decline in the University's financial resources that compels a reduction in the current operating budget to the extent that the University would be unable to meet existing financial obligations that include, but are not limited to, contractual obligations;
- Low enrollment in a particular program or major, as determined by reference to multi-year trends in enrollment, credit hours generated, retention, persistence, graduation rates, and other appropriate considerations; or
- Misalignment of revenue and costs in a particular college, department, program, or major, as determined by reference to instructional and non-instructional costs as compared to tuition and other revenue; workforce and market demands and needs; compelling institutional needs to reallocate resources, especially among academic and other student-serving programs and services; and other appropriate considerations.

Implementation: In order to act on the bona fide financial reasons described in the recommendation, the President may recommend the removal of specific faculty members.

The following factors must be considered in selecting faculty for removal: mix of tenured, tenure-track, and non-tenured faculty within the relevant unit; mix of full-time and part-time faculty within the relevant unit; areas of expertise and demonstrated ability to teach needed courses; teaching loads; licensure and accreditation requirements; research and grant productivity; documented performance history, including annual performance reviews; course-fill, cancellation, and drop rates; on-campus presence and engagement (for faculty with on-campus responsibilities); modality needs; and other appropriate considerations.

The proposed implementation plan must retain a composition of tenured/non-tenured and full/part-time faculty that is appropriate for the relevant units and disciplines, satisfies accreditation requirements, and advances the institution's commitment to student success.

Board of Regents Process

The Board of Regents may approve removal of faculty from employment for bona fide financial reasons according to the following process:

Recommendation and Notice: The Board may approve proposed removals only upon a written recommendation from the President that complies with the requirements of this policy. The recommendation may be transmitted to the Board at any time and must be provided to all members of the Board. The recommendation also must be delivered by email to each affected faculty member proposed for removal and to the Faculty Senate Executive Committee (without identifying affected faculty) on the same date it is distributed to the Board.

Faculty Hearing Request: If a faculty member who is proposed to be removed from employment wishes to object or respond to the President's recommendation before the Board, then that faculty member must notify the President by email of that intent within fifteen business days after delivery of the recommendation. In that case, the faculty member will receive a hearing before the Board in the manner required by Kentucky law. A faculty member who does not timely provide the notice described above will not receive a hearing.

Hearing Procedures: The Board will maintain written procedures governing pre-hearing submissions, the conduct of the hearing, and related matters, which will be provided to each affected faculty member with the President's recommendation. Faculty and others participating in the hearing must comply with those procedures.

Board Meeting and Approval: The Board may consider and act on the President's recommendation and proposed removal of faculty, which must occur at a regular or special meeting of the Board. The Board may not approve removal of a faculty member for bona fide financial reasons sooner than thirty days after delivery of the President's recommendation to that faculty member.

During a meeting to consider the President's recommendation, the Board also will convene a hearing for all affected faculty who provide the notice required by this policy. The hearing will be conducted in executive session of the Board to the extent permitted by Kentucky law.

At the conclusion of the meeting and any hearing, the Board may either vote to approve or disapprove the President's recommendation and the proposed removal of faculty or may take no action regarding the recommendation. The Board may not modify the President's recommendation prior to approval. Any vote must occur in an open meeting of the Board.

If the Board approves removal of a faculty member, then that removal may not be effective until the end of the next full academic year (for 9-month faculty) or fiscal year (for 12-month faculty). However, the President may recommend an earlier effective date for the removals when necessitated by extraordinarily compelling reasons that are demonstrated in the President's written recommendation. The effective date must be at least thirty days after the Board's approval of the removal. The Board may approve the recommended earlier effective date only upon affirmative vote of at least two-thirds of the Board members present and voting.

Faculty will receive full compensation and benefits and must perform their usual responsibilities as required by the University until the effective date of removal.

Decisions and recommendations made pursuant to this policy are not subject to an internal grievance process.

Policy Amendment

This policy may be amended by majority vote of a quorum of the Board of Regents.

Approved: September 16, 2026

BOARD OF REGENTS
NORTHERN KENTUCKY UNIVERSITY
REMOVAL OF FACULTY FOR BONA FIDE FINANCIAL REASONS
BOARD MEETING & HEARING PROCEDURES

Overview

This document establishes the procedures that will be followed by the Board of Regents and parties participating in meetings and hearings involving removal of faculty for bona fide financial reasons, including pre-hearing submissions and the conduct of hearings.

Written Recommendation

The process to remove faculty from employment for bona fide financial reasons is formally initiated by a written recommendation to the Board of Regents from the President. The President and Executive Secretary must ensure that the recommendation and all supporting material are distributed simultaneously to all regents.

The University will comply with the Kentucky Open Records Act in evaluating requests for disclosure of the President's written recommendation and supporting material. The University will consider asserting appropriate exceptions to avoid or limit disclosure of those records, including the identities of affected faculty, until the Board meeting is publicly noticed and/or until a final decision is made by the Board of Regents. Records pertaining to a final decision by the Board are subject to disclosure on request, including the identities of faculty who are removed.

Notice to Affected Faculty

The Executive Secretary must ensure that the President's written recommendation and supporting material are delivered by email to faculty proposed for removal and to the Faculty Senate Executive Committee (without identifying affected faculty) at the same time those materials are distributed to the Board. In addition, at that time, the Executive Secretary must distribute to each faculty member a copy of these procedures.

Faculty may request other University records pursuant to the Kentucky Open Records Act. The University will evaluate and respond to those requests pursuant to the Act, making every reasonable effort to provide prompt access to existing records that are readily accessible within the University's systems.

Faculty Hearing Request

Faculty proposed for removal may request a hearing before the Board by notifying the President of that request via email within fifteen business days after delivery of the President's written recommendation. Faculty who do not timely request a hearing will not receive one.

When requesting a hearing, the faculty member must indicate whether the request is for a hearing in open or executive session of the Board. Kentucky law requires that such hearings be conducted in open session if the employee requests it. Each hearing will occur in executive session unless the relevant faculty member requests an open hearing within fifteen business days after delivery of the President's written recommendation.

The hearing will be scheduled at a time convenient for the members of the Board of Regents, which may include the summer months, consistent with Kentucky law. It may not be possible to accommodate the scheduling preferences of individual faculty members. However, faculty and their representatives may participate remotely in a hearing.

Representation of Faculty

Faculty may be represented by one legal counsel or advisor during the hearing. Both the faculty member and the counsel/advisor may address the Board and advocate during the hearing. In addition, the affected faculty member may be accompanied by a support person who may not address the Board.

Pre-Hearing Submissions & Requirements

A faculty member proposed for removal may submit written materials to the Board prior to the hearing. This material must be submitted, if at all, to the Executive Secretary no later than five business days prior to the hearing. Submissions may include written statements and responses to the President's recommendation, information, data, and other supporting materials. The Board may decline to consider written material submitted by or on behalf of affected faculty after the deadline, including written material submitted for the first time at the hearing.

Submissions of written material by faculty may be subject to disclosure pursuant to the Kentucky Open Records Act.

The Board may decline to consider written material submitted by any person or entity other than the faculty member proposed for removal and the faculty member's counsel/advisor.

Information Requests from Regents

A member of the Board of Regents may request additional information and material from the President and affected faculty in advance of the hearing. In order to ensure ample time to gather responses, regents should make those requests as soon as practicable following receipt of the President's recommendation.

The Executive Secretary must ensure that any additional information and material are shared with all regents.

Conduct of Board Meeting & Hearing

A Board meeting to consider the President's recommendation and proposed removal of faculty must be held in open session, except that hearings involving individual affected faculty members may be held in executive session unless a public hearing is requested by the faculty member. Board discussions of specific affected faculty members may be held in executive session.

A Board meeting to consider the President's recommendation may commence with an introduction and/or presentation by the President and/or designees in open session.

Each individual faculty member who timely requests a hearing will receive a separate hearing before the Board. Hearings will proceed in an order established by the Board Chair. Each hearing will pertain to one faculty member, and multiple faculty may not combine their presentations into a single hearing, unless the Chair of the Board approves an exception requested five business days prior to the hearing.

Attendance at hearings that occur in executive session will be limited to the Board of Regents, President, Executive Secretary, Provost, General Counsel, other appropriate administrators and staff assisting those individuals, the individual faculty member, the faculty member's legal counsel/advisor and support person, and any other individuals invited or approved by the Chair of the Board.

During the hearing, the affected faculty member and the legal counsel/advisor may address the Board of Regents to discuss and respond to the President's recommendation, application of the elements of KRS 164.360(6) and the Board's policy regarding removal of faculty for bona fide financial reasons, and other relevant matters. Faculty and the counsel/advisor must observe the specific time allotment that is established for the hearing. No other individuals may address the Board during that period, and no other witnesses may offer testimony. Regents may ask questions of the faculty and counsel/advisor during the allotted time. Time allotted for one faculty hearing may not be combined with or added to time for hearings involving other affected faculty.

At the conclusion of a faculty hearing, the Board may request that the President and/or other administrators respond to the faculty presentation(s).

The Board Chair is empowered to decide other procedural questions that may arise during the hearing process, prioritizing fairness to the affected faculty and other participants and efficiency in the conduct of the proceedings.

Following all faculty hearings and any response by the President and/or designee, the Board may discuss the possible removal of individual faculty in executive session. During this discussion, the President, the Executive Secretary, and any other administrators invited by the Chair of the Board may attend. No votes may be taken in executive session.

Board Decision

After the Board concludes all faculty hearings and any executive session, the Board may convene an open session to discuss the President's recommendation and/or vote to approve or disapprove the President's recommendation and the proposed removal of faculty, including an accelerated effective date of removal if recommended. Alternatively, the Board may take no action regarding the recommendation. The Board may not modify the President's recommendation prior to approval.

Faculty who are removed from employment need not be specifically identified in the Board's vote or resolution, but those names will appear in the President's recommendation, which is subject to disclosure following an affirmative vote by the Board.

Amendment

These procedures may be amended upon majority vote of a quorum of the Board of Regents.

Effective: September 16, 2026