

1 AN ACT relating to initiatives regarding diversity, equity, and inclusion.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act:*

6 *(1) "Affiliated organization" means an entity whose primary purpose includes*
7 *supporting or benefitting an institution or an officer, director, or employee of an*
8 *institution;*

9 *(2) "Bias incident" means noncriminal conduct that is alleged to constitute an act or*
10 *statement against a particular group or individual because of the group's or*
11 *individual's religion, race, sex, color, or national origin, or perceived religion,*
12 *race, sex, color, or national origin;*

13 *(3) "Binding contract" means any grant, endowment, settlement agreement,*
14 *commercial contract, or other legally enforceable agreement entered into by or on*
15 *behalf of an institution;*

16 *(4) "Council" means the Council on Postsecondary Education;*

17 *(5) "Differential treatment or benefits" means differential, preferential, or*
18 *prejudicial treatment or consideration and includes the conferring or withholding*
19 *of a benefit;*

20 *(6) "Discriminatory concept" means a concept that justifies or promotes differential*
21 *treatment or benefits conferred to individuals on the basis of religion, race, sex,*
22 *color, or national origin, unless the differential treatment or benefit is:*

23 *(a) Excluded from a diversity, equity, and inclusion initiative under an*
24 *exclusion set forth in subsection (7)(b) of this section; or*

25 *(b) Established or required by law, including but not limited to differential*
26 *treatment or benefits on the basis of citizenship status;*

27 *(7) "Diversity, equity, and inclusion initiative":*

1 (a) Means a policy, practice, or procedure designed or implemented to promote
2 or provide differential treatment or benefits to individuals on the basis of
3 religion, race, sex, color, or national origin, including but not limited to any
4 such policy, practice, or procedure related to employment, employee
5 recruitment, employee hiring, employee promotion, contracts, contract
6 renewal, student recruitment, student admission, student housing, financial
7 assistance, and scholarship awards; and

8 (b) Does not include:

9 1. A policy, practice, procedure, office, employee, training, program, or
10 activity that is required pursuant to:

11 a. The Americans with Disabilities Act of 1990, 42 U.S.C. sec.
12 12101 et seq., as amended;

13 b. The Individuals with Disabilities Education Act, 20 U.S.C. sec.
14 1400 et seq., as amended;

15 c. The Federal Age Discrimination in Employment Act of 1967, 29
16 U.S.C. sec. 621 et seq., as amended;

17 d. The federal Civil Rights Act of 1964, Pub. L. No. 88-352, as
18 amended;

19 e. Title IX of the Education Amendments of 1972, 20 U.S.C. sec.
20 1681 et seq.;

21 f. The Religious Freedom Restoration Act of 1993, 42 U.S.C. 21B
22 sec. 2000bb et seq.;

23 g. The Kentucky Religious Freedom Restoration Act, KRS 446.350;

24 h. Any other applicable federal or state law;

25 i. A court order; or

26 j. A binding contract entered into prior to the effective date of this
27 Act;

- 1 2. A bona fide qualification or accommodation based on sex that is
2 historically maintained in the usual course of operating an institution,
3 including but not limited to:
4 a. Sex-based athletic eligibility restrictions;
5 b. Sex-based fraternal organization membership restrictions;
6 c. Sex-based restrictions required to establish or maintain separate
7 living facilities for members of a single biological sex; or
8 d. Bona fide occupational qualifications reasonably necessary to
9 the normal operation of the institution;
10 3. A bona fide accommodation based on religion that is required under
11 any applicable federal or state law;
12 4. Differential treatment or benefits necessary to provide medical
13 treatment or information; or
14 5. Services and programming of resource centers, provided that the
15 participation of each student, faculty member, staff member, and
16 volunteer in each resource center program is optional, not mandatory,
17 and that access to center services is not restricted on the basis of
18 religion, race, sex, color, or national origin;
19 (8) "Diversity, equity, and inclusion office" means a nonacademic office, division, or
20 other unit of an institution that is:
21 (a) Responsible for developing, implementing, or promoting a discriminatory
22 concept, a diversity, equity, and inclusion training, or a diversity, equity,
23 and inclusion initiative, regardless of whether the office is designated by the
24 institution as a diversity, equity, and inclusion office; and
25 (b) Not expressly required pursuant to applicable federal or state law, a court
26 order, or a binding contract entered into prior to the effective date of this
27 Act;

1 (9) "Diversity, equity, and inclusion officer" means an employee, contractor, or
2 volunteer:

3 (a) Whose responsibilities include developing, implementing, or promoting a
4 discriminatory concept, diversity, equity, and inclusion training, or a
5 diversity, equity, and inclusion initiative outside of the context of academic
6 courses or instruction, regardless of whether the position is designated as a
7 diversity, equity, and inclusion position or affiliated with a diversity, equity,
8 and inclusion office; and

9 (b) Who serves in a role that is not expressly required pursuant to applicable
10 federal or state law, a court order, or a binding contract entered into prior
11 to the effective date of this Act;

12 (10) "Diversity, equity, and inclusion training" means a training, conference,
13 presentation, meeting, or professional development that:

14 (a) Contains, implements, or promotes a discriminatory concept;

15 (b) Is not expressly required pursuant to applicable federal or state law, a court
16 order, or a binding contract entered into prior to the effective date of this
17 Act; and

18 (c) Does not include academic courses or instruction;

19 (11) "Governing board" means the governing board of an institution;

20 (12) "Indoctrinate" means to imbue or attempt to imbue another individual with an
21 opinion, point of view, or principle without consideration of any alternative
22 opinion, point of view, or principle;

23 (13) "Institution" means a public postsecondary education institution and includes all
24 programs, departments, divisions, offices, centers, colleges, student governments,
25 affiliated organizations, and any individual acting in an official capacity on
26 behalf of a public postsecondary institution and does not include student
27 organizations;

1 (14) "Resource" means:

2 (a) Moneys appropriated by the General Assembly;

3 (b) Moneys or items of value derived from bequests, charges, deposits,
4 donations, endowments, fees, grants, gifts, income, receipts, tuition, or any
5 other source;

6 (c) Materials and other physical resources;

7 (d) Digital resources, including an official website, digital application, or social
8 media page of an institution; or

9 (e) Faculty, staff, volunteers, and other human resources;

10 (15) "Resource center" means a center maintained by an institution that offers
11 services or programming for students, faculty, staff, and volunteers, including but
12 not limited to centers that offer academic, health, religious, disability, community,
13 and career resources, services, and support; and

14 (16) "Student-on-student harassment" means unwelcome conduct directed toward a
15 student by another student that is so severe, pervasive, and objectively offensive
16 that it effectively denies equal access to an educational opportunity or benefit.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) An institution shall not:

20 (a) Except as provided in subsection (2)(n) and (o) of this section, provide any
21 differential treatment or benefits to an individual, including a candidate or
22 applicant for employment, promotion, contract, contract renewal, or
23 admission, on the basis of the individual's religion, race, sex, color, or
24 national origin;

25 (b) Discriminate in student admissions on the basis of religion, race, sex, color,
26 or national origin;

27 (c) Except as provided in subsection (2)(l) of this section:

- 1 1. Impose any scholarship criteria or scholarship eligibility restriction
2 on, or provide differential treatment or benefits to, a scholarship
3 applicant, candidate, or recipient on the basis of an individual's
4 religion, race, sex, color, or national origin; or
- 5 2. Execute or renew any legally binding restriction that would require an
6 institution to consider the religion, race, sex, color, or national origin
7 of a scholarship applicant, candidate, or recipient;
- 8 (d) Prioritize or provide preferential consideration for vendors, contracts, or
9 other transactions based upon the religion, race, sex, color, or national
10 origin of the ownership, management, or staff of any business or nonprofit
11 entity, except that the institution may provide preferential consideration for
12 businesses owned by residents of Kentucky and the United States;
- 13 (e) Make student housing assignments on the basis of religion, sex, race, color,
14 or national origin unless an exception is necessary to:
 - 15 1. Maintain separate living facilities for members of a single biological
16 sex; or
 - 17 2. Permit need-based access to student housing facilities during school
18 breaks, provided that room assignments are not implemented in a
19 discriminatory manner or segregated by religion, race, color, or
20 national origin;
- 21 (f) Initiate an investigation of a bias incident unless the general counsel for the
22 institution authorizes the investigation and certifies in writing that the
23 investigation is necessary because the conduct being investigated:
 - 24 1. May rise to the level of student-on-student harassment if all facts
25 alleged are taken as true; or
 - 26 2. Is subject to mandatory investigation pursuant to applicable state or
27 federal law;

1 (g) Hold a hearing, tribunal, or other disciplinary proceeding on a bias incident
2 unless the general counsel for the institution authorizes the hearing and
3 certifies in writing, after a review of all relevant evidence, that the hearing
4 is necessary to ensure compliance with applicable state or federal law;

5 (h) Expend any resources to:

6 1. Establish or maintain a diversity, equity, and inclusion office;

7 2. Contract or employ an individual to serve as a diversity, equity, and
8 inclusion officer;

9 3. Provide diversity, equity, and inclusion training or contribute to any
10 cost associated with planning, promoting, hosting, traveling to,
11 attending, presenting, or otherwise participating in diversity, equity,
12 and inclusion training; or

13 4. Establish or maintain a diversity, equity, and inclusion initiative;

14 (i) On an application for employment, promotion, contract, contract renewal,
15 admission, housing, financial aid, or scholarship, compel, solicit, or
16 consider any pledge or statement on an applicant's experience with or views
17 on religion, race, sex, color, or national origin, except an institution may:

18 1. If an applicant for admission or scholarship submits an unsolicited
19 statement concerning how a matter relating to religion, race, sex,
20 color, or national origin affected his or her life, consider the statement
21 but shall not provide differential treatment or benefits based upon the
22 race, sex, religion, color, or national origin of the applicant; and

23 2. Require an applicant for housing to disclose his or her biological sex
24 for the purpose of maintaining separate living facilities for members
25 of a single biological sex;

26 (j) Require any student to enroll in or complete an academic course of which
27 the primary purpose is to indoctrinate participants with a discriminatory

1 concept; or

2 (k) Require or incentivize students, faculty, or staff to attend a diversity, equity,
3 and inclusion training.

4 (2) Notwithstanding subsection (1) of this section, nothing in this section shall be
5 construed to apply to or affect any of the following:

6 (a) Rights secured by the First Amendment of the United States Constitution or
7 Section 1 of the Constitution of Kentucky;

8 (b) Academic course content or instruction;

9 (c) Academic freedom of faculty, students, and student organizations;

10 (d) Academic research or creative works by an institution's students, faculty, or
11 research personnel;

12 (e) The distribution of grant funding for academic research;

13 (f) Religious freedom of faculty, students, and student organizations;

14 (g) Publications and the freedom of expression of student newspapers and
15 university press;

16 (h) Activities, funding, conduct, speech, and freedom of association of student-
17 led organizations, or the conduct or speech of students acting in their
18 individual capacity;

19 (i) Activities, programs, and initiatives for military veterans, Pell Grant
20 recipients, first-generation college students, low-income students,
21 nontraditional students, transfer students from the Kentucky Community
22 and Technical College System, or students with unique abilities;

23 (j) Arrangements for guest speakers and performers with short-term
24 engagements, including those invited by students or faculty;

25 (k) The purchase of materials for university library inventory and the access of
26 the public to university library inventory;

27 (l) Endowments for privately funded scholarships that existed before the

- 1 effective date of this Act that require an institution to consider the religion,
2 race, sex, color, or national origin of a scholarship applicant or candidate
3 until the balance of corpus is exhausted;
- 4 (m) Mental or physical health services provided by certified or licensed
5 professionals;
- 6 (n) A bona fide qualification or accommodation based on biological sex that is
7 historically maintained in the usual course of operating an institution and
8 does not constitute a diversity, equity, and inclusion initiative;
- 9 (o) A bona fide qualification based on national origin that is related to the
10 eligibility of an individual for a visa;
- 11 (p) A bona fide accommodation based on religion that is necessary to comply
12 with federal or state law;
- 13 (q) The ability of an institution to investigate criminal acts or acts of
14 discrimination in accordance with applicable federal or state law;
- 15 (r) Programs or measures required for institutional accreditations; or
- 16 (s) Programs or measures intended to enable the collection of demographic
17 data.
- 18 (3) Notwithstanding subsection (1) of this section, nothing in this section shall be
19 construed to prohibit programs, procedures, policies, and other initiatives deemed
20 by the institution's general counsel to be required for compliance with federal or
21 state law, a court order, or a binding contract entered into prior to the effective
22 date of this Act.
- 23 (4) Each governing board shall ensure compliance with this section no later than
24 June 30, 2025.
- 25 (5) Beginning July 1, 2026, each institution shall submit an annual certification to
26 the council that:
- 27 (a) Is signed by president of the institution or the chief financial officer of the

1 institution; and

2 (b) Certifies that the institution has not spent money in violation of this section
3 during the previous fiscal year.

4 (6) The Attorney General may bring a civil action for a writ of mandamus to compel
5 an institution to comply with this section.

6 (7) (a) The Auditor of Public Accounts shall periodically conduct a compliance
7 audit to determine whether an institution spent money in violation of
8 subsection (1)(h) of this section. The Auditor shall adopt a schedule by
9 which the Auditor will conduct these compliance audits, provided that they
10 shall occur at least once every four (4) years.

11 (b) If the Auditor determines that an institution spent money in violation of
12 subsection (1)(h) of this section, the Auditor shall notify the institution. The
13 institution shall cure the violation within one hundred eighty (180) days
14 from the date of the Auditor's notice. If the institution fails to cure the
15 violation within that time, the institution shall be ineligible to receive
16 formula funding increases pursuant to KRS 164.092 during the following
17 fiscal year.

18 (c) If the institution disputes the Auditor's finding that it violated subsection
19 (1)(h) of this section, then within thirty (30) days the institution may petition
20 the Office of the Attorney General to evaluate the evidence and determine
21 whether the violation occurred.

22 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) No later than June 30, 2025, each governing board shall:

25 (a) Adopt a policy on viewpoint neutrality that prohibits discrimination on the
26 basis of an individual's political or social viewpoint and promotes
27 intellectual diversity within the institution; and

1 **(b) Publish the amended policy in the institution's student handbook and**
2 **faculty handbook and on a prominent, publicly accessible page of the**
3 **institution's website.**

4 **(2) An institution shall not require any individual to endorse or condemn a specific**
5 **ideology, political viewpoint, or social viewpoint to be eligible for hiring, contract**
6 **renewal, tenure, promotion, admission, or graduation.**

7 **(3) The Attorney General may bring a civil action for a writ of mandamus to compel**
8 **an institution to comply with this section.**

9 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
10 READ AS FOLLOWS:

11 **(1) The council shall not:**

12 **(a) Provide any differential treatment or benefits to an individual on the basis**
13 **of the individual's religion, race, sex, color, or national origin;**

14 **(b) Expend any resources to:**

15 **1. Establish or maintain a diversity, equity, and inclusion office;**

16 **2. Contract with or employ an individual to serve as a diversity, equity,**
17 **and inclusion officer;**

18 **3. Provide diversity, equity, and inclusion training or contribute to any**
19 **cost associated with planning, promoting, hosting, traveling to,**
20 **attending, presenting, or otherwise participating in diversity, equity,**
21 **and inclusion training; or**

22 **4. Establish or maintain a diversity, equity, and inclusion initiative; or**

23 **(c) Compel, solicit, or consider as part of the employment application process**
24 **any statements on the applicant's religion, race, sex, color, or national**
25 **origin.**

26 **(2) Nothing in this section shall be construed to prohibit programs, procedures,**
27 **policies, and other initiatives deemed by the council's general counsel to be**

1 required for compliance with federal or state law, a court order, or a binding
2 contract entered into prior to the effective date of this Act.

3 (3) The council shall comply with this section no later than June 30, 2025.

4 (4) Beginning July 1, 2026, the council shall submit an annual certification to the
5 Legislative Research Commission for referral to the appropriate Interim Joint
6 Committee on Education that:

7 (a) Is signed by the president or budget director of the council; and

8 (b) Certifies that the council has not spent money in violation of this section
9 during the previous fiscal year.

10 (5) The Attorney General may bring a civil action for a writ of mandamus to compel
11 the council to comply with this section.

12 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) No later than October 1 of each year, each institution shall submit a certified
15 report to the Legislative Research Commission for referral to the appropriate
16 Interim Joint Committee on Education, and shall publish the report to a
17 prominent, publicly accessible location on the institution's website. Each report
18 shall be certified by the institution's general counsel and contain a complete list
19 and description of the nature, costs, and source of authority of all policies,
20 programs, practices, and procedures of the institution that are:

21 (a) Designed or implemented to promote or provide differential treatment or
22 benefits to individuals on the basis of religion, race, sex, color, or national
23 origin; and

24 (b) Required pursuant to any applicable federal or state law, a court order, or a
25 binding contract entered into prior to the effective date of this Act.

26 (2) An institution shall not claim, assert, or rely upon a governmental mandate as a
27 defense to a civil action filed by the Attorney General under subsection (6) of

1 Section 2 of this Act unless that mandate was listed and clearly and accurately
2 described in:

3 (a) The institution's most recent annual report required by subsection (1) of
4 this section prior to the date the events or omissions giving rise to the civil
5 action occurred; or

6 (b) An addendum to the institution's most recent annual report required by
7 subsection (1) of this section that was published:

8 1. Prior to the date the events or omissions giving rise to the civil action
9 occurred; and

10 2. In the same location on the institution's website as the report required
11 by subsection (1) of this section.

12 (3) This section shall expire on and have no force or effect after June 30, 2031,
13 unless extended by an act of the General Assembly.

14 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) No later than October 1, 2025, the council shall develop and publish an annual
17 survey to assess intellectual freedom and viewpoint diversity using statistically
18 valid survey techniques to evaluate the extent to which the students, faculty, and
19 staff of an institution:

20 (a) Are exposed to a variety of ideological and political perspectives, including
21 competing ideas and perspectives; and

22 (b) Feel at liberty to express their ideological and political viewpoints and
23 beliefs on campus and in the classroom.

24 (2) By November 1 of each year, each institution shall administer the survey
25 produced under subsection (1) of this section to all students, faculty, and staff of
26 the institution. The communication distributing the survey shall be clearly
27 identified and shall not be combined with any other communication.

1 (3) The institution shall provide students, faculty, and staff at least thirty (30) days
2 from the date the survey is initially distributed to respond to the survey. The
3 institution shall provide a reminder to students, faculty, and staff to complete the
4 survey at least three (3) business days prior to the deadline to submit a response.
5 The reminder shall be clearly identified and shall not be combined with any other
6 communication.

7 (4) Each institution shall collect and store responses to the survey anonymously and
8 securely.

9 (5) Each institution shall compile all responses to its survey into an annual report on
10 intellectual freedom and viewpoint diversity to be submitted to the council no later
11 than January 1 of each year. The council shall publish the annual report
12 submitted by each institution to a prominent, publicly accessible location on the
13 council's website no later than January 7 of each year.

14 (6) This section shall expire on and have no force or effect after June 30, 2031,
15 unless extended by an act of the General Assembly.

16 ➔Section 7. KRS 164.020 is amended to read as follows:

17 The Council on Postsecondary Education in Kentucky shall:

- 18 (1) Develop and implement the strategic agenda with the advice and counsel of the
19 Strategic Committee on Postsecondary Education. The council shall provide for and
20 direct the planning process and subsequent strategic implementation plans based on
21 the strategic agenda as provided in KRS 164.0203;
- 22 (2) Revise the strategic agenda and strategic implementation plan with the advice and
23 counsel of the committee as set forth in KRS 164.004;
- 24 (3) Develop a system of public accountability related to the strategic agenda by
25 evaluating the performance and effectiveness of the state's postsecondary system.
26 The council shall prepare a report in conjunction with the accountability reporting
27 described in KRS 164.095, which shall be submitted to the committee, the

- 1 Governor, and the General Assembly by December 1 annually. This report shall
2 include a description of contributions by postsecondary institutions to the quality of
3 elementary and secondary education in the Commonwealth;
- 4 (4) Review, revise, and approve the missions of the state's universities and the
5 Kentucky Community and Technical College System. The Council on
6 Postsecondary Education shall have the final authority to determine the compliance
7 of postsecondary institutions with their academic, service, and research missions;
- 8 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively
9 provide for an integrated system of postsecondary education. The council shall
10 guard against inappropriate and unnecessary conflict and duplication by promoting
11 transferability of credits and easy access of information among institutions;
- 12 (6) Engage in analyses and research to determine the overall needs of postsecondary
13 education and adult education in the Commonwealth;
- 14 (7) Develop plans that may be required by federal legislation. The council shall for all
15 purposes of federal legislation relating to planning be considered the "single state
16 agency" as that term may be used in federal legislation. When federal legislation
17 requires additional representation on any "single state agency," the Council on
18 Postsecondary Education shall establish advisory groups necessary to satisfy federal
19 legislative or regulatory guidelines;
- 20 (8) (a) Determine tuition and approve the minimum qualifications for admission to
21 the state postsecondary educational system. In defining residency, the council
22 shall classify a student as having Kentucky residency if the student met the
23 residency requirements at the beginning of his or her last year in high school
24 and enters a Kentucky postsecondary education institution within two (2)
25 years of high school graduation. In determining the tuition for non-Kentucky
26 residents, the council shall consider the fees required of Kentucky students by
27 institutions in adjoining states, the resident fees charged by other states, the

1 total actual per student cost of training in the institutions for which the fees
2 are being determined, and the ratios of Kentucky students to non-Kentucky
3 students comprising the enrollments of the respective institutions, and other
4 factors the council may in its sole discretion deem pertinent, except that the
5 Kentucky Community and Technical College System may assess a mandatory
6 student fee not to exceed eight dollars (\$8) per credit hour to be used
7 exclusively for debt service on amounts not to exceed seventy-five percent
8 (75%) of the total projects cost of the Kentucky Community and Technical
9 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part
10 II, J., 11.

11 (b) The Kentucky Community and Technical College System mandatory fee
12 established in this subsection shall only be used for debt service on agency
13 bond projects.

14 (c) Any fee established as provided by this subsection shall cease to be assessed
15 upon the retirement of the project bonds for which it services debt.

16 (d) Prior to the issuance of any bonds, the Kentucky Community and Technical
17 College System shall certify in writing to the secretary of the Finance and
18 Administration Cabinet that sufficient funds have been raised to meet the
19 local match equivalent to twenty-five percent (25%) of the total project cost;

20 (9) Devise, establish, and periodically review and revise policies to be used in making
21 recommendations to the Governor for consideration in developing
22 recommendations to the General Assembly for appropriations to the universities,
23 the Kentucky Community and Technical College System, and to support strategies
24 for persons to maintain necessary levels of literacy throughout their lifetimes. The
25 council has sole discretion, with advice of the Strategic Committee on
26 Postsecondary Education and the executive officers of the postsecondary education
27 system, to devise policies that provide for allocation of funds among the

- 1 universities and the Kentucky Community and Technical College System;
- 2 (10) Lead and provide staff support for the biennial budget process as provided under
- 3 KRS Chapter 48, in cooperation with the committee;
- 4 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
- 5 capital construction projects covered by KRS 45.750(1)(f), including real
- 6 property acquisitions, and regardless of the source of funding for projects or
- 7 acquisitions. Approval of capital projects and real property acquisitions shall
- 8 be on a basis consistent with the strategic agenda and the mission of the
- 9 respective universities and the Kentucky Community and Technical College
- 10 System.
- 11 (b) The organized groups that are establishing community college satellites as
- 12 branches of existing community colleges in the counties of Laurel, Leslie, and
- 13 Muhlenberg, and that have substantially obtained cash, pledges, real property,
- 14 or other commitments to build the satellite at no cost to the Commonwealth,
- 15 other than operating costs that shall be paid as part of the operating budget of
- 16 the main community college of which the satellite is a branch, are authorized
- 17 to begin construction of the satellite on or after January 1, 1998;
- 18 (12) Require reports from the executive officer of each institution it deems necessary for
- 19 the effectual performance of its duties;
- 20 (13) Ensure that the state postsecondary system does not unnecessarily duplicate
- 21 services and programs provided by private postsecondary institutions and shall
- 22 promote maximum cooperation between the state postsecondary system and private
- 23 postsecondary institutions. Receive and consider an annual report prepared by the
- 24 Association of Independent Kentucky Colleges and Universities stating the
- 25 condition of independent institutions, listing opportunities for more collaboration
- 26 between the state and independent institutions and other information as appropriate;
- 27 (14) Establish course credit, transfer, and degree components as required in KRS

1 164.2951;

- 2 (15) (a) Define and approve the offering of all postsecondary education technical,
3 associate, baccalaureate, graduate, and professional degree, certificate, or
4 diploma programs in the public postsecondary education institutions. *The*
5 *council shall not approve a new degree, certificate, or diploma program that*
6 *includes a requirement for a course or training of which the primary*
7 *purpose is to indoctrinate participants with a discriminatory concept; and*
8 (b) The council shall expedite wherever possible the approval of requests from
9 the Kentucky Community and Technical College System board of regents
10 relating to new certificate, diploma, technical, or associate degree programs of
11 a vocational-technical and occupational nature. Without the consent of the
12 General Assembly, the council shall not abolish or limit the total enrollment
13 of the general program offered at any community college to meet the goal of
14 reasonable access throughout the Commonwealth to a two (2) year course of
15 general studies designed for transfer to a baccalaureate program. This does not
16 restrict or limit the authority of the council, as set forth in this section, to
17 eliminate or make changes in individual programs within that general
18 program;
- 19 (16) Eliminate, in its discretion, existing programs or make any changes in existing
20 academic programs at the state's postsecondary educational institutions, taking into
21 consideration these criteria:
- 22 (a) Consistency with the institution's mission and the strategic agenda;
23 (b) Alignment with the priorities in the strategic implementation plan for
24 achieving the strategic agenda;
25 (c) Elimination of unnecessary duplication of programs within and among
26 institutions;~~and~~
27 (d) Efforts to create cooperative programs with other institutions through

1 traditional means, or by use of distance learning technology and electronic
2 resources, to achieve effective and efficient program delivery; and
3 (e) Alignment with Section 2 of this Act, including the elimination of any
4 program that includes a requirement for a course or training of which the
5 primary purpose is to indoctrinate participants with a discriminatory
6 concept;

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

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

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

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

23 (20)~~(21)~~ Approve the teacher education programs in the public institutions that comply
24 with standards established by the Education Professional Standards Board pursuant
25 to KRS 161.028;

26 (21)~~(22)~~ Constitute the representative agency of the Commonwealth in all matters of
27 postsecondary education of a general and statewide nature which are not otherwise

1 delegated to one (1) or more institutions of postsecondary learning. The
2 responsibility may be exercised through appropriate contractual relationships with
3 individuals or agencies located within or without the Commonwealth. The authority
4 includes but is not limited to contractual arrangements for programs of research,
5 specialized training, and cultural enrichment;

6 ~~(22)~~~~[(23)]~~ Maintain procedures for the approval of a designated receiver to provide for
7 the maintenance of student records of the public institutions of higher education and
8 the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
9 165A.310 which offer collegiate level courses for academic credit, which cease to
10 operate. Procedures shall include assurances that, upon proper request, subject to
11 federal and state laws and regulations, copies of student records shall be made
12 available within a reasonable length of time for a minimum fee;

13 ~~(23)~~~~[(24)]~~ Monitor and transmit a report on compliance with KRS 164.351 to the
14 director of the Legislative Research Commission for distribution to the Interim
15 Joint Committee on Families and Children;

16 ~~(24)~~~~[(25)]~~ (a) Develop in cooperation with each public university and the Kentucky
17 Community and Technical College System a comprehensive orientation and
18 education program for new members of the council and the governing boards
19 and continuing education opportunities for all council and board members.
20 For new members of the council and institutional governing boards, the
21 council shall:

22 1. Ensure that the orientation and education program comprises six (6)
23 hours of instruction time and includes but is not limited to information
24 concerning the roles of the council and governing board members, the
25 strategic agenda and the strategic implementation plan, and the
26 respective institution's mission, budget and finances, strategic plans and
27 priorities, institutional policies and procedures, board fiduciary

- 1 responsibilities, legal considerations including open records and open
2 meetings requirements, ethical considerations arising from board
3 membership, and the board member removal and replacement
4 provisions of KRS 63.080;
- 5 2. Establish delivery methods by which the orientation and education
6 program can be completed in person or electronically by new members
7 within one (1) year of their appointment or election;
- 8 3. Provide an annual report to the Governor and Legislative Research
9 Commission of those new board members who do not complete the
10 required orientation and education program; and
- 11 4. Invite governing board members of private colleges and universities
12 licensed by the Council on Postsecondary Education to participate in the
13 orientation and education program described in this subsection;
- 14 (b) Offer, in cooperation with the public universities and the Kentucky
15 Community and Technical College System, continuing education
16 opportunities for all council and governing board members; and
- 17 (c) Review and approve the orientation programs of each public university and
18 the Kentucky Community and Technical College System for their governing
19 board members to ensure that all programs and information adhere to this
20 subsection;
- 21 ~~(25)~~~~(26)~~ Develop a financial reporting procedure to be used by all state postsecondary
22 education institutions to ensure uniformity of financial information available to
23 state agencies and the public;
- 24 ~~(26)~~~~(27)~~ Select and appoint a president of the council under KRS 164.013;
- 25 ~~(27)~~~~(28)~~ Employ consultants and other persons and employees as may be required for
26 the council's operations, functions, and responsibilities;
- 27 ~~(28)~~~~(29)~~ Promulgate administrative regulations, in accordance with KRS Chapter 13A,

1 governing its powers, duties, and responsibilities as described in this section;

2 ~~(29)~~~~(30)~~ Prepare and present by January 31 of each year an annual status report on

3 postsecondary education in the Commonwealth to the Governor, the Strategic

4 Committee on Postsecondary Education, and the Legislative Research Commission;

5 ~~(30)~~~~(31)~~ Consider the role, function, and capacity of independent institutions of

6 postsecondary education in developing policies to meet the immediate and future

7 needs of the state. When it is found that independent institutions can meet state

8 needs effectively, state resources may be used to contract with or otherwise assist

9 independent institutions in meeting these needs;

10 ~~(31)~~~~(32)~~ Create advisory groups representing the presidents, faculty, nonteaching staff,

11 and students of the public postsecondary education system and the independent

12 colleges and universities;

13 ~~(32)~~~~(33)~~ Develop a statewide policy to promote employee and faculty development in

14 state and locally operated secondary area technology centers through the waiver of

15 tuition for college credit coursework in the public postsecondary education system.

16 Any regular full-time employee of a state or locally operated secondary area

17 technology center may, with prior administrative approval of the course offering

18 institution, take a maximum of six (6) credit hours per term at any public

19 postsecondary institution. The institution shall waive the tuition up to a maximum

20 of six (6) credit hours per term. The employee shall complete the Free Application

21 for Federal Student Aid to determine the level of need and eligibility for state and

22 federal financial aid programs. The amount of tuition waived shall not exceed the

23 cost of tuition at the institution less any state or federal grants received, which shall

24 be credited first to the student's tuition;

25 ~~(33)~~~~(34)~~ Participate with the Kentucky Department of Education, the Kentucky Board

26 of Education, and postsecondary education institutions to ensure that academic

27 content requirements for successful entry into postsecondary education programs

1 are aligned with high school content standards and that students who master the
2 high school academic content standards shall not need remedial courses. The
3 council shall monitor the results on an ongoing basis;

4 ~~(34)~~~~(35)~~ Cooperate with the Kentucky Department of Education and the Education
5 Professional Standards Board in providing information sessions to selected
6 postsecondary education content faculty and teacher educators of the high school
7 academic content standards as required under KRS 158.6453(2)(l);

8 ~~(35)~~~~(36)~~ Cooperate with the Office of the Kentucky Center for Statistics and ensure the
9 participation of the public institutions as required in KRS 151B.133;

10 ~~(36)~~~~(37)~~ Pursuant to KRS 63.080, review written notices from the Governor or from a
11 board of trustees or board of regents concerning removal of a board member or the
12 entire appointed membership of a board, investigate the member or board and the
13 conduct alleged to support removal, and make written recommendations to the
14 Governor and the Legislative Research Commission as to whether the member or
15 board should be removed; and

16 ~~(37)~~~~(38)~~ Exercise any other powers, duties, and responsibilities necessary to carry out
17 the purposes of this chapter. Nothing in this chapter shall be construed to grant the
18 Council on Postsecondary Education authority to disestablish or eliminate any
19 college of law which became a part of the state system of higher education through
20 merger with a state college.

21 ➔Section 8. KRS 164.011 is amended to read as follows:

22 (1) There is hereby created and established a Council on Postsecondary Education in
23 Kentucky as an agency, instrumentality, and political subdivision of the
24 Commonwealth and a public body corporate and politic having all powers, duties,
25 and responsibilities as are provided to it by law, appointed for a term set by law
26 pursuant to Section 23 of the Constitution of Kentucky. The council shall be
27 composed of the commissioner of education, a faculty member, a student member,

1 and thirteen (13) citizen members appointed by the Governor. The citizen members
2 shall be confirmed by the Senate under KRS 11.160, and the commissioner of
3 education shall serve as a nonvoting ex officio member. Citizen council members
4 shall be selected from a list of nominees provided to the Governor under the
5 nominating process set forth in KRS 164.005. If the General Assembly is not in
6 session at the time of the appointment, persons appointed shall serve prior to
7 confirmation, but the Governor shall seek the consent of the Senate at the next
8 regular session or at an intervening extraordinary session if the matter is included in
9 the call of the General Assembly.

10 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary
11 Education Nominating Committee shall submit nominations to the Governor as set
12 forth in KRS 164.005. On making appointments to the council, the Governor shall
13 ensure broad geographical and political representation; ensure equal representation
14 of the two (2) sexes, inasmuch as possible; ensure no less than proportional
15 representation of the two (2) leading political parties of the Commonwealth based
16 on the state's voter registration and the political affiliation of each appointee as of
17 December 31 of the year preceding the date of his or her appointment; and ensure
18 that appointments reflect the minority racial composition of the Commonwealth
19 based on the total minority racial population using the most recent census or
20 estimate data from the United States Census Bureau. If the determination of
21 proportional minority representation does not result in a whole number of minority
22 members, it shall be rounded up to the next whole number. A particular political
23 affiliation shall not be a prerequisite to appointment to the council generally;
24 however, if any person is appointed to the council that does not represent either of
25 the two (2) leading political parties of the Commonwealth, the proportional
26 representation by political affiliation requirement shall be determined and satisfied
27 based on the total number of members on the council less any members not

1 affiliated with either of the two (2) leading political parties. In filling vacancies to
2 the council, the Governor shall act so as to provide, inasmuch as possible, equal
3 representation of the two (2) sexes by appointing a member of the sex that is the
4 lesser represented at the time of the appointment. If the remaining membership
5 already has an equal number of males and females, the Governor may appoint a
6 member of either sex. No more than two (2) members of the council shall hold an
7 undergraduate degree from any one (1) Kentucky university, and no more than
8 three (3) voting members of the council shall reside in any one (1) judicial district
9 of the Kentucky Supreme Court as of the date of the appointment. However, change
10 in residency after the date of appointment shall not affect the ability to serve.

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

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

26 (5) In filling any vacancies, the Governor shall ensure the continuing representation
27 upon the council of the broad constituencies as set forth in subsection (2) of this

- 1 section. Vacancies on the council shall be filled for the unexpired term in
2 accordance with the procedures established for the original appointments.
- 3 (6) Each citizen member shall serve a term of six (6) years unless removed by the
4 Governor for cause, except the initial appointments shall be as follows:
- 5 (a) Two (2) appointments shall expire December 31, 1997;
6 (b) Three (3) appointments shall expire December 31, 1998;
7 (c) Two (2) appointments shall expire December 31, 1999;
8 (d) Two (2) appointments shall expire December 31, 2000;
9 (e) Two (2) appointments shall expire December 31, 2001; and
10 (f) Two (2) appointments shall expire December 31, 2002.
- 11 (7) Any person, other than the chief state school officer, holding either an elective or
12 appointive state office or who is a member of the governing board of any state
13 university in Kentucky, shall be ineligible for membership or appointment on the
14 council during his term.
- 15 (8) The members of the council shall elect the chair and the vice chair of the council
16 from among the council's membership, and the chair and vice chair shall serve at
17 the pleasure of the council. The vice chair shall serve as chair in the absence of the
18 chair.
- 19 (9) The council shall meet at least quarterly and at other times upon the call of the chair
20 or a majority of the council.
- 21 (10) A quorum shall be a majority of the appointive membership of the council.
- 22 (11) A quorum shall be required to organize and conduct the business of the council,
23 except that an affirmative vote of eight (8) or more appointive members of the
24 entire council shall be required to dismiss from employment the president of the
25 council, and to adopt or amend the state strategic postsecondary education agenda.
- 26 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
- 27 (13) New appointees to the council shall complete an orientation and education program

1 set forth in KRS 164.020~~(24)~~~~(25)~~ to be eligible for appointment to a second term.

2 ➔Section 9. KRS 164.131 is amended to read as follows:

- 3 (1) (a) The government of the University of Kentucky is vested in a board of trustees
4 appointed for a term set by law pursuant to Section 23 of the Constitution of
5 Kentucky.
- 6 (b) All appointed and elected persons shall be required to attend and complete an
7 orientation and education program prescribed by the council under KRS
8 164.020~~(24)~~~~(25)~~, as a condition of their service and eligibility for
9 appointment or election to a second term.
- 10 (c) The board shall periodically evaluate the institution's progress in
11 implementing its missions, goals, and objectives to conform to the strategic
12 agenda. Officers and officials shall be held accountable for the status of the
13 institution's progress.
- 14 (d) Board members may be removed by the Governor under the following
15 circumstances:
- 16 1. For cause, pursuant to KRS 63.080(2); or
17 2. Pursuant to KRS 63.080(3) or (4).
- 18 (e) The board shall consist of sixteen (16) members appointed by the Governor,
19 two (2) members of the faculty of the University of Kentucky, one (1)
20 member of the University of Kentucky nonteaching personnel, and one (1)
21 member of the student body of the University of Kentucky. The members
22 appointed by the Governor shall be subject to confirmation by the Senate. The
23 voting members of the board shall select a chairperson annually.
- 24 (2) (a) The terms of the appointed members shall be for six (6) years and until their
25 successors are appointed and qualified, unless a member is removed by the
26 Governor pursuant to KRS 63.080(2), (3), or (4), except the initial
27 appointments shall be as follows:

- 1 1. Two (2) members shall serve one (1) year terms;
- 2 2. Two (2) members shall serve two (2) year terms, one (1) of whom shall
- 3 be a graduate of the university, selected from a list of three (3) names
- 4 submitted by the alumni of the university according to rules established
- 5 by the board of trustees;
- 6 3. Three (3) members shall serve three (3) year terms;
- 7 4. Three (3) members shall serve four (4) year terms, one (1) of whom
- 8 shall be a graduate of the university, selected as under subparagraph 2.
- 9 of this subsection;
- 10 5. Three (3) members shall serve five (5) year terms; and
- 11 6. Three (3) members shall serve six (6) year terms, one (1) of whom shall
- 12 be a graduate of the university, selected as under subparagraph 2. of this
- 13 subsection.
- 14 (b) 1. Three (3) of the appointments shall be graduates of the university and
- 15 may include one (1) graduate of the institution who resides outside the
- 16 Commonwealth;
- 17 2. Three (3) shall be representative of agricultural interests; and
- 18 3. Ten (10) shall be other distinguished citizens representative of the
- 19 learned professions and may include one (1) who resides outside of
- 20 Kentucky.
- 21 (c) The Governor shall make the appointments so as to reflect proportional
- 22 representation of the two (2) leading political parties of the Commonwealth
- 23 based on the state's voter registration and the political affiliation of each
- 24 appointee as of December 31 of the year preceding the date of his or her
- 25 appointment, and to reflect no less than proportional representation of the
- 26 minority racial composition of the Commonwealth based on the total minority
- 27 racial population using the most recent census or estimate data from the

1 United States Census Bureau. If the determination of proportional minority
2 representation does not result in a whole number of minority members, it shall
3 be rounded up to the next whole number. A particular political affiliation shall
4 not be a prerequisite to appointment to the board generally; however, if any
5 person is appointed to the board that does not represent either of the two (2)
6 leading political parties of the Commonwealth, the proportional representation
7 by political affiliation requirement shall be determined and satisfied based on
8 the total number of members on the board less any members not affiliated
9 with either of the two (2) leading political parties.

10 (d) Appointments to fill vacancies shall be made for the unexpired term in the
11 same manner as provided for the original appointments.

12 (3) The two (2) University of Kentucky faculty members shall be of the rank of
13 assistant professor or above. They shall be elected by secret ballot by all University
14 of Kentucky faculty members of the rank of assistant professor or above. Faculty
15 members shall serve for terms of three (3) years and until their successors are
16 elected and qualified. Faculty members shall be eligible for reelection, but they
17 shall be ineligible to continue to serve as members of the board of trustees if they
18 cease to be members of the faculty of the university. Elections to fill vacancies shall
19 be for the unexpired term in the same manner as provided for original elections.

20 (4) The nonteaching personnel member shall be any full-time staff member, excluding
21 the president, vice-presidents, academic deans, and academic department
22 chairpersons. The staff member shall represent all nonteaching university
23 employees, including but not limited to building facilities and clerical personnel.
24 The staff member shall be elected by secret ballot by the nonteaching employees.
25 The staff member shall serve a term of three (3) years and until a successor is
26 elected and qualified. The staff member shall be eligible for reelection, but a staff
27 member who ceases being an employee of the university shall not be eligible to

1 continue to serve as a member of the board. Elections to fill vacancies shall be for
2 the unexpired term and shall be held in the same manner as provided for the
3 original election.

4 (5) The student member shall serve a one (1) year term beginning on July 1 after being
5 elected and sworn in as student body president and ending on the following June
6 30. If the student member does not maintain the position of student body president
7 or the status of a full-time student at any time during that academic year, a special
8 election shall be held to select a full-time student member. The elected student
9 member shall serve for the remainder of the unexpired term.

10 (6) The number of student and employee trustees of the University of Kentucky elected
11 to the board shall not exceed four (4).

12 (7) Unless specifically approved by the board of trustees under the provisions of KRS
13 164.367, no member of the administrative staff of the university shall be directly or
14 indirectly interested in any contract with the university for the sale of property,
15 materials, supplies, equipment, or services, with exception of compensation to the
16 two (2) faculty members, and the one (1) nonteaching personnel member.

17 (8) New appointees of the board shall not serve more than two (2) consecutive terms.

18 (9) The inability of the board to hold regular meetings, to elect a chairperson annually,
19 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
20 annual evaluation of the president of the university, or to carry out its primary
21 function to periodically evaluate the institution's progress in implementing its
22 mission, goals, and objectives to conform to the strategic agenda shall be cause for
23 the Governor to remove all appointed members of the board and replace the entire
24 appointed membership pursuant to KRS 63.080(4).

25 ➔Section 10. KRS 164.321 is amended to read as follows:

26 (1) Eastern Kentucky University, Morehead State University, Murray State University,
27 Western Kentucky University, Kentucky State University, Northern Kentucky

1 University, and the Kentucky Community and Technical College System shall each
2 be governed by a board of regents appointed for a term set by law pursuant to
3 Section 23 of the Constitution of Kentucky.

4 (a) Each board of the comprehensive universities shall consist of eight (8)
5 members appointed by the Governor, one (1) member of the teaching faculty,
6 one (1) member of the university nonteaching personnel, and one (1) member
7 of the student body of the respective university or college. The members
8 appointed by the Governor shall be subject to confirmation by the Senate. The
9 members of the board shall select a chairperson annually.

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

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

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

24 3. In making initial appointments, the Governor shall act so as to provide
25 equal representation of the two (2) sexes. In filling vacancies, the
26 Governor shall act so as to provide, inasmuch as possible, equal
27 representation of the two (2) sexes by appointing a member of the sex

1 that is the lesser represented at the time of the appointment. If the
2 remaining membership already has an equal number of males and
3 females, the Governor may appoint a member of either sex.

4 (2) The terms of appointed members shall be for six (6) years and until their successors
5 are appointed and qualified, unless a member is removed by the Governor pursuant
6 to KRS 63.080(2), (3), or (4), except the initial appointments to the board of regents
7 for the Kentucky Community and Technical College System shall be as follows:

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

14 New appointees of a board of regents shall not serve for more than two (2)
15 consecutive terms.

16 (3) The gubernatorial appointments may include one (1) graduate of the respective
17 institution who resides outside the Commonwealth. Not more than two (2)
18 appointed members of any board shall be residents of one (1) county. The
19 appointments shall reflect the proportional representation of the two (2) leading
20 political parties of the Commonwealth based on the state's voter registration and the
21 political affiliation of each appointee as of December 31 of the year preceding the
22 date of his or her appointment. A particular political affiliation shall not be a
23 prerequisite to appointment to any board generally; however, if any person is
24 appointed to a board that does not represent either of the two (2) leading political
25 parties of the Commonwealth, the proportional representation by political affiliation
26 requirement shall be determined and satisfied based on the total number of
27 members on the board less any members not affiliated with either of the two (2)

1 leading political parties. Membership on the board shall reflect no less than
2 proportional representation of the minority racial composition of the
3 Commonwealth based on the total minority racial population using the most recent
4 census or estimate data from the United States Census Bureau. If the determination
5 of proportional minority representation does not result in a whole number of
6 minority members, it shall be rounded up to the next whole number. Membership
7 on the board shall not be incompatible with any state office. A change in residency
8 after the date of appointment shall not affect a member's ability to serve nor shall it
9 prevent a member's eligibility for reappointment, except a member who assumes
10 residency outside the fifty (50) United States shall become immediately ineligible
11 to serve. The Council on Postsecondary Education shall notify the appointee of his
12 or her ineligibility to serve.

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

16 (5) Each member of the board shall serve for the term for which the member is
17 appointed and until a successor is appointed and qualified, unless a member is
18 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).

19 (6) (a) The faculty member of a comprehensive university shall be a teaching or
20 research member of the faculty of his or her respective university of the rank
21 of assistant professor or above. The faculty member shall be elected by secret
22 ballot by all faculty members of his or her university of the rank of instructor,
23 assistant professor, or above. The faculty member shall serve for a term of
24 three (3) years and until his successor is elected and qualified. The faculty
25 member shall be eligible for reelection, but he or she shall not be eligible to
26 continue to serve as a member of the board if he or she ceases being a member
27 of the teaching staff of the university. Elections to fill vacancies shall be for

1 the unexpired term in the same manner as provided for the original election.

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

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

26 (b) The nonteaching personnel members in the Kentucky Community and
27 Technical College System shall be any full-time staff member excluding a

1 president, chancellor, vice president, academic dean, academic department
2 chair, or other administrator. They shall represent all nonteaching employees
3 in their respective branch institutions including, but not limited to, support
4 and clerical personnel. One (1) member shall be a representative from the
5 community colleges and one (1) member shall be a representative from the
6 technical institutions. They shall serve three (3) year terms and until their
7 successors are named. These two (2) members shall collectively have one (1)
8 vote which may be cast one-half (1/2) vote by each member. The nonteaching
9 personnel members of each branch shall be elected by means of a process
10 established by the board. A nonteaching personnel member may be reelected
11 but shall not serve more than two (2) consecutive terms. A nonteaching
12 employee shall be ineligible to continue to serve as a member of the board if
13 that employee ceases to be a nonteaching employee at one (1) of the
14 institutions within the system. Elections to fill vacancies shall be for the
15 unexpired term in the same manner as provided for the original election.

16 (8) (a) The student member on a comprehensive university board shall serve a one
17 (1) year term beginning on July 1 after being elected and sworn in as student
18 body president and ending on the following June 30. If the student member
19 does not maintain the position as student body president or the status as a full-
20 time student at any time during that academic year, a special election shall be
21 held to select a full-time student member. The elected student member shall
22 serve for the remainder of the unexpired term.

23 (b) Two (2) full-time student members shall be elected to the board of regents for
24 the Kentucky Community and Technical College System. One (1) shall
25 represent students of the community colleges and one (1) shall represent the
26 technical institutions. The student members shall be elected by means of a
27 process established by the board. The student members shall serve one (1)

1 year terms beginning on July 1 after being elected and sworn in as a student
2 member of the board and ending on the following June 30. If the student
3 member does not maintain the status as a full-time student, a special election
4 shall be held to fill the vacancy for the remainder of the unexpired term. The
5 two (2) members shall collectively have one (1) vote which may be cast one-
6 half (1/2) vote by each member.

7 (9) All appointed and elected persons shall be required to attend and complete an
8 orientation and education program prescribed by the council under KRS
9 164.020~~(24)~~~~(25)~~, as a condition of their service and eligibility for appointment or
10 election to a second term.

11 (10) Board members may be removed by the Governor under the following
12 circumstances:

13 (a) For cause, pursuant to KRS 63.080(2); or

14 (b) Pursuant to KRS 63.080(3) or (4).

15 (11) The inability of the board or boards of the comprehensive universities or Kentucky
16 Community and Technical College System to hold quarterly meetings, to elect a
17 chairperson annually, to establish a quorum, to adopt an annual budget, to set
18 tuition rates, to conduct an annual evaluation of the president of the university or
19 system, to carry out its primary function to periodically evaluate the university's or
20 system's progress in implementing its mission, goals, and objectives to conform to
21 the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be
22 cause for the Governor to remove all appointed members of the board or boards and
23 replace the entire appointed membership pursuant to KRS 63.080(4).

24 ➔Section 11. KRS 164.821 is amended to read as follows:

25 (1) The government of the University of Louisville is vested in a board of trustees
26 appointed for a term set by law pursuant to Section 23 of the Constitution of
27 Kentucky. The board shall consist of ten (10) members appointed by the Governor,

1 at least one (1) of whom shall be a graduate of the university; one (1) member of
2 the teaching faculty of the University of Louisville who shall be the chief executive
3 of the ranking unit of faculty government; one (1) member of the permanent staff of
4 the University of Louisville who shall be the chief executive of the staff senate; and
5 one (1) student member who shall be the president of the student body during the
6 appropriate academic year. The members appointed by the Governor shall be
7 subject to confirmation by the Senate.

8 (a) All appointed and elected persons shall be required to attend and complete an
9 orientation and education program prescribed by the council under KRS
10 164.020~~(24)~~~~(25)~~, as a condition of their service and eligibility for
11 appointment or election to a second term.

12 (b) Board members may be removed by the Governor under the following
13 circumstances:

- 14 1. For cause, pursuant to KRS 63.080(2); or
- 15 2. Pursuant to KRS 63.080(3) or(4).

16 (c) New appointees to the board shall not serve more than two (2) consecutive
17 terms.

18 (2) The student member shall serve a one (1) year term beginning on July 1 after being
19 elected and sworn in as student body president and ending on the following June
20 30. If the student member does not maintain the position of student body president
21 or the status of a full-time student at any time during that academic year, a special
22 election shall be held to select a full-time student member. The elected student
23 member shall serve for the remainder of the unexpired term.

24 (3) The faculty member and staff member shall serve one (1) year terms and cease to
25 be eligible for membership on the board of trustees upon termination of their
26 respective relationships with, or leadership positions within, the university, and
27 vacancies occurring for this reason shall be filled for the remainder of the respective

1 terms in the same manner.

2 (4) The gubernatorial appointments shall serve a term of six (6) years and until their
3 successors are appointed and qualified, unless a member is removed by the
4 Governor pursuant to KRS 63.080(2), (3), or (4), except the initial terms shall be as
5 follows:

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

12 (5) The Governor shall make his at-large appointments so as to divide the appointed
13 representation upon the board to reflect:

14 (a) The proportional representation of the two (2) leading political parties in the
15 Commonwealth based on the state's voter registration and the political
16 affiliation of each appointee as of December 31 of the year preceding the date
17 of his or her appointment. A particular political affiliation shall not be a
18 prerequisite to appointment to the board generally; however, if any person is
19 appointed to the board that does not represent either of the two (2) leading
20 political parties of the Commonwealth, the proportional representation by
21 political affiliation requirement shall be determined and satisfied based on the
22 total number of members on the board less any members not affiliated with
23 either of the two (2) leading political parties; and

24 (b) No less than the proportional representation of the minority racial composition
25 of the Commonwealth based on the total minority racial population using the
26 most recent census or estimate data from the United States Census Bureau. If
27 the determination of proportional minority representation does not result in a

1 whole number of minority members, it shall be rounded up to the next whole
2 number.

3 (6) Vacancies among the appointed members of the board occurring by death,
4 resignation, or any other cause, other than expiration of a term, shall be filled by
5 appointments made by the Governor for the remainder of the unexpired term,
6 subject to the qualifications set forth in this section.

7 (7) Unless specifically approved by the board of trustees under the provisions of KRS
8 164.367, no member of the teaching or administrative staff of the university shall be
9 directly or indirectly interested in any contract with the university for the sale of
10 property, materials, supplies, equipment, or services, with the exception of
11 compensation to the faculty, staff, and student members.

12 (8) The inability of the board to hold regular meetings, to elect a chairperson annually,
13 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
14 annual evaluation of the president of the university, to carry out its primary function
15 to periodically evaluate the institution's progress in implementing its mission, goals,
16 and objectives to conform to the strategic agenda, or to otherwise perform its duties
17 under KRS 164.830 shall be cause for the Governor to remove all appointed
18 members of the board and replace the entire appointed membership pursuant to
19 KRS 63.080(4).

20 ➔SECTION 12. A NEW SECTION OF KRS 335B.020 TO 335B.070 IS
21 CREATED TO READ AS FOLLOWS:

22 (1) A licensing authority shall not require diversity, equity, and inclusion training as
23 a prerequisite for an initial or renewal license.

24 (2) A licensing authority shall not use an applicant's or licensee's lack of diversity,
25 equity, and inclusion training as a reason to:

26 (a) Discipline an applicant or licensee; or

27 (b) Deny, suspend, revoke, or otherwise restrict a license.

1 (3) Any diversity, equity, and inclusion training requirement for applicants or
2 licensees enforced by a licensing authority prior to the effective date of this Act is
3 void.

4 ➔Section 13. KRS 335B.010 is amended to read as follows:

5 As used in KRS 335B.020 to 335B.070, unless the context requires otherwise:

6 (1) "Occupation" includes all occupations, trades, vocations, professions, businesses, or
7 employment of any kind for which a license is required to be issued by the
8 Commonwealth of Kentucky, its agencies, or political subdivisions;~~[-]~~

9 (2) "License" includes all licenses, permits, certificates, registrations, or other means
10 required to engage in an occupation which are granted or issued by the
11 Commonwealth of Kentucky, its agents or political subdivisions before a person
12 can pursue, practice, or engage in any occupation;~~[-]~~

13 (3) "Public employment" includes all employment with the Commonwealth of
14 Kentucky, its agencies, or political subdivisions;~~[-]~~

15 (4) "Conviction of a crime" shall be limited to convictions of felonies or
16 misdemeanors;~~[-]~~

17 (5) "Hiring or licensing authority" shall mean the person, board, commission, or
18 department of the Commonwealth of Kentucky, its agencies or political
19 subdivisions, responsible by law for the hiring of persons for public employment or
20 the licensing of persons for occupations;

21 (6) "Diversity, equity, and inclusion training" has the same meaning as in Section 1
22 of this Act; and

23 (7) "Licensing authority" means the person, board, commission, department, or
24 other entity of the Commonwealth of Kentucky, its agencies, or political
25 subdivisions, responsible by law for the licensing of persons for occupations.

26 ➔Section 14. (1) Contrary provisions of any section of the Kentucky Revised
27 Statutes notwithstanding, 13 KAR 002:060, Degree program approval; equal opportunity

goals, shall be null, void, and unenforceable as of the effective date of this Act.

(2) Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the council shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, 13 KAR 002:060, Degree program approval; equal opportunity goals.

➔Section 15. (1) No later than June 30, 2025, every public postsecondary education institution in the Commonwealth shall ensure compliance with the requirements of this Act applicable to institutions and:

(a) Eliminate any and all diversity, equity, and inclusion initiatives, including but not limited to any scholarship criteria, living-learning programs, student services, community services, or other initiative designed to promote a discriminatory concept or to provide differential treatment or benefits to an individual on the basis of race, sex, color, or national origin;

(b) Eliminate all diversity, equity, and inclusion trainings;

(c) Eliminate all diversity, equity, and inclusion offices; and

(d) Terminate all diversity, equity, and inclusion officer positions.

(2) The Attorney General may bring a civil action for a writ of mandamus to compel a public postsecondary education institution to comply with this section.

➔Section 16. (1) No later than June 30, 2025, the Council on Postsecondary Education shall ensure compliance with the requirements of this Act applicable to the council and:

(a) Eliminate all diversity, equity, and inclusion initiatives;

(b) Eliminate all diversity, equity, and inclusion trainings;

(c) Eliminate all diversity, equity, and inclusion offices; and

(d) Terminate all diversity, equity, and inclusion officer positions.

(2) The Attorney General may bring a civil action for a writ of mandamus to compel the council to comply with this section.

1 ➔Section 17. (1) No later than August 30, 2025, each president of a public
2 postsecondary education institution shall submit a report to the Legislative Research
3 Commission, for referral to the appropriate Interim Joint Committee on Education, and
4 the Attorney General containing:

5 (a) A detailed description of the institution's compliance with each provision of
6 this Act applicable to institutions that certifies the status of the institution's compliance
7 with each provision, the steps taken by the institution to achieve compliance with each
8 provision, and the guardrails put in place to ensure future compliance with each
9 provision;

10 (b) If the president cannot certify the institution's full compliance with any
11 provision of this Act which is applicable to institutions, the president shall provide a
12 detailed and clear description of any obstacles to achieving or certifying compliance with
13 that provision, the measures that the president and institution are enacting to overcome
14 those obstacles, and the estimated completion date of each measure;

15 (c) A detailed description of the institution's strategy for attracting and retaining
16 faculty members with diverse perspectives and points of view; and

17 (d) A description of the institution's strategy for fostering a campus environment
18 where the free exchange of ideas is a prized value and where ideas can be freely
19 discussed and debated in accordance with First Amendment principles and without
20 intimidation.

21 (2) The report required by this section shall be published to a prominent, publicly
22 accessible page on the institution's website for a period of no less than one year. The
23 report shall not be combined with any other report when submitted or published by the
24 institution.

25 (3) The Attorney General may bring a civil action for a writ of mandamus to
26 compel a public postsecondary education institution to comply with this section.

27 ➔Section 18. (1) No later than August 30, 2025, the president of the Council

1 on Postsecondary Education shall submit a report to the Legislative Research
2 Commission, for referral to the appropriate Interim Joint Committee on Education, and
3 the Attorney General containing:

4 (a) A detailed description of the council's compliance with each provision of this
5 Act applicable to the council that certifies the status of the council's compliance with
6 each provision, the steps taken by the council to achieve compliance with each provision,
7 and the guardrails put in place to ensure future compliance with each provision;

8 (b) If the president cannot certify the council's compliance with any provision of
9 this Act which is applicable to the council, a detailed and clear description of any
10 obstacles to achieving or certifying compliance with that provision, the measures that the
11 president and council are enacting to overcome those obstacles, and the estimated
12 completion date of each measure;

13 (c) A detailed description of the council's strategy for attracting and retaining
14 faculty members with diverse perspectives and points of view to Kentucky's
15 postsecondary institutions; and

16 (d) A detailed description of the council's strategy for fostering a postsecondary
17 education system where the free exchange of ideas is a prized value and ideas can be
18 freely discussed and debated in accordance with First Amendment principles and without
19 intimidation.

20 (2) The report required by this section shall be published to a prominent, publicly
21 accessible page on the council's website for a period of no less than one year. The report
22 shall not be combined with any other report when submitted or published by the
23 institution.

24 (3) The Attorney General may bring a civil action for a writ of mandamus to
25 compel the Council on Postsecondary Education to comply with this section.