

Legislation introduced in the 2024 KY session that affects higher education

[HB 228](#) “An ACT applying to postsecondary employment” that erodes tenure protections

- Requires Boards to designate “performance and productivity requirements” for all faculty
- Allows Boards to fire faculty who do not meet Board defined requirements: “Failure to meet performance and productivity requirements may result in the removal of a faculty member, regardless of status”

[HB 9](#) Omnibus anti-DEI bill, replicating much of the legislation passed in Florida

- Prohibits diversity, equity, and inclusion initiatives:
 - “An institution shall not: (a) Except as provided in subsection (2)(n) and (o) of this section, provide any differential treatment or benefits to an individual, including a candidate or applicant for employment, promotion, contract, contract renewal, or admission, on the basis of the individual's religion, race, sex, color, or national origin; (b) Manipulate or influence the composition of the student body on the basis of 10 religion, race, sex, color, or national origin;”
- Prohibits a state institution from propagating “divisive concepts”: “Presenting as truth, rather than as a subject for inquiry, that an existing structure, system, or relation of power, privilege, or subordination persists on the basis of oppression, colonialism, socioeconomic status, religion, race, sex, color, or national origin”
- Limits courses that are eligible to count for transfer credit (and hence general education inclusion): “The council shall collaborate with the institutions to: (a) Develop and implement a statewide standardized procedure to consider whether to deny potential transfer credit earned from a course based upon whether the: Course was dedicated to the promotion or justification of discriminatory concepts or diversity, equity, and inclusion initiatives;”
- Mandates and monitors “intellectual diversity”: “No later than October 1, 2024, the council shall develop and publish an annual assessment on intellectual freedom and viewpoint diversity which uses objective, nonpartisan, and statistically valid survey techniques to evaluate the extent to which the students, faculty, and staff of an institution: (a) Are exposed to a variety of ideological and political perspectives, including competing ideas and perspectives; and (b) Feel at liberty to express their ideological and political viewpoints and beliefs on campus and in the classroom.”
- Allows parties to sue the Council on Postsecondary Education or institutions if there are DEI initiatives, if “divisive concepts” are propagated, or if there is not viewpoint diversity
- Requires budget transparency: “The annual operating budget of each institution shall include an itemized budget of each school, department, administrative office, resource

center, and research facility of the institution, regardless of the source of funding. Each itemized budget required by this subsection shall be published to a prominent, publicly accessible location on the institution's website.”

HB 257 Abolish the CPE

- Abolishes the CPE and shifts the current responsibilities of that body to the [Kentucky Higher Education Assistance Authority](#)

SB 6 An anti-DEI bill that allows faculty to be sued for damages

- Prohibits discriminatory concepts and DEI initiatives
- Allows faculty to be sued: “Any person aggrieved by a violation of any policy adopted or required to have been adopted pursuant to subsection (2) of this section shall have a cause of action against the public postsecondary education institution, or any of its agents acting in their official capacities, for damages arising from the violation, including reasonable attorney's fees and litigation costs. A claim brought pursuant to this subsection may be asserted in any court of competent jurisdiction within one (1) year of the date the cause of action accrued. The cause of action shall be deemed to have accrued at the point in time the violation ceases or is cured by the institution. Excluding reasonable attorney's fees and litigation costs, any prevailing claimant shall be awarded no less than one thousand dollars (\$1,000) but no more than one hundred thousand dollars (\$100,000) cumulatively per action. If multiple claimants prevail and the damages awarded would exceed one hundred thousand dollars (\$100,000), the court shall divide one hundred thousand dollars (\$100,000) amongst all prevailing claimants equally. Sovereign, governmental, and qualified immunity are waived for any claim arising from a violation of subsection (2) of this section.”