

**164.372 Annual report on student discipline -- Exemption request procedure.**

- (1) By November 1, 2023, and by November 1 every five (5) years thereafter, each institution, as defined in KRS 164.370, shall electronically publish a report on student discipline to a prominent location on the institution's Web site. The first report shall have a one (1) year reporting period and each report thereafter shall have a five (5) year reporting period. Each report on student discipline shall be submitted to the Interim Joint Committee on Education no later than November 1 of the year the report is due to be published. The report on student discipline shall include but is not limited to:
  - (a) Without providing any personally identifiable information, the total number of disciplinary proceedings, including formal investigations, initiated by the institution for an alleged violation of the institution's code for student conduct during the reporting period, and of those, the total number and percentage of disciplinary proceedings that resulted in:
    1. A dismissal of the complaint by the institution prior to a hearing on the matter;
    2. A negotiated resolution or agreement prior to a hearing on the matter;
    3. A hearing on the matter;
    4. A dismissal of the complaint by the institution after a hearing on the matter;
    5. Suspension of a student;
    6. Expulsion of a student;
    7. Termination of a student's residence in campus housing;
    8. An appeal to the governing board or its designee of the institution in accordance with KRS 164.370(4)(b); and
    9. An appeal from a final decision of the governing board or its designee of the institution in accordance with KRS 164.370(4)(c); and
  - (b) Without providing any personally identifiable information, for each data point required by paragraph (a) of this subsection:
    1. A summary of the basic demographics of the students that were the subject of the disciplinary proceedings included in that figure, including but not limited to race, gender, whether the student resided in campus housing at the time the violation allegedly occurred, and the approximate number of credit hours earned;
    2. The specific rule in the code for student conduct alleged to have been violated;
    3. The general source of the initial information underlying the alleged violation, including but not limited to another student, faculty, staff, community member, or law enforcement; and
    4. The percentage of students that were the subject of the disciplinary proceedings included in that figure that were represented by an attorney licensed to practice law in Kentucky.

- (2) (a) If a public postsecondary education institution believes, due to federal law, that any specific data point required by paragraphs (a) and (b) of subsection (1) of this section cannot be adequately de-identified for public reporting, the institution shall submit a request for an exemption to the reporting requirement established in subsection (1) of this section for each specific data point to the Attorney General. The Attorney General shall review the request for exemption to determine whether each data point submitted can be adequately de-identified.
- (b) A request for exemption shall be submitted no later than September 1 of the year the report is due to be published. The Attorney General shall make all reasonable efforts to grant or deny any request for exemption within sixty (60) days of receipt.
- (c) 1. If the request for an exemption is granted, the report on student discipline published by the institution shall clearly identify each specific data point excluded pursuant to the exemption; and
2. If an institution fails to submit a timely request for exemption, the Attorney General fails to grant or deny a timely filed request for exemption in the sixty (60) day time frame, or the request for exemption is denied and the institution continues to believe that a specific data point cannot be adequately de-identified, the institution shall:
- a. In the report on student discipline published by the institution, clearly identify each specific data point excluded pursuant to the institution's objection that is not substantiated pursuant to an exemption from the Attorney General; and
- b. Submit a confidential, supplemental report to the Interim Joint Committee on Education by December 1 each year the report on student discipline is due. The supplemental report shall identify each data point the institution believes cannot be adequately de-identified and clearly set forth the reasoning for the institution's position. The committee may consider each supplemental report as it determines and in its discretion. Each supplemental report, and the consideration thereof by the committee, shall be exempt from the open records and open meetings requirements contained in KRS Chapter 61.

**Effective:** July 14, 2022

**History:** Created 2022 Ky. Acts ch. 159, sec. 2, effective July 14, 2022.

**Legislative Research Commission Note** (7/14/2022). 2022 Ky. Acts ch. 159, sec. 3, provides that the Act, which contains KRS 164.370 and 164.372, may be cited as the Kentucky Campus Due Process Protection Act.