

164.2894 Definitions for KRS 164.2894 to 164.2899.

As used in KRS 164.2894 to 164.2899:

- (1) "Affiliated organization" means an entity whose primary purpose includes supporting or benefitting an institution or an officer, director, or employee of an institution;
- (2) "Bias incident" means noncriminal conduct that is alleged to constitute an act or statement against a particular group or individual because of the group's or individual's religion, race, sex, color, or national origin, or perceived religion, race, sex, color, or national origin;
- (3) "Binding contract" means any grant, endowment, settlement agreement, commercial contract, or other legally enforceable agreement entered into by or on behalf of an institution;
- (4) "Council" means the Council on Postsecondary Education;
- (5) "Differential treatment or benefits" means differential, preferential, or prejudicial treatment or consideration and includes the conferring or withholding of a benefit;
- (6) "Discriminatory concept" means a concept that justifies or promotes differential treatment or benefits conferred to individuals on the basis of religion, race, sex, color, or national origin, unless the differential treatment or benefit is:
 - (a) Excluded from a diversity, equity, and inclusion initiative under an exclusion set forth in subsection (7)(b) of this section; or
 - (b) Established or required by law, including but not limited to differential treatment or benefits on the basis of citizenship status;
- (7) "Diversity, equity, and inclusion initiative":
 - (a) Means a policy, practice, or procedure designed or implemented to promote or provide differential treatment or benefits to individuals on the basis of religion, race, sex, color, or national origin, including but not limited to any such policy, practice, or procedure related to employment, employee recruitment, employee hiring, employee promotion, contracts, contract renewal, student recruitment, student admission, student housing, financial assistance, and scholarship awards; and
 - (b) Does not include:
 1. A policy, practice, procedure, office, employee, training, program, or activity that is required pursuant to:
 - a. The Americans with Disabilities Act of 1990, 42 U.S.C. sec. 12101 et seq., as amended;
 - b. The Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et seq., as amended;
 - c. The Federal Age Discrimination in Employment Act of 1967, 29 U.S.C. sec. 621 et seq., as amended;
 - d. The federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended;
 - e. Title IX of the Education Amendments of 1972, 20 U.S.C. sec.

- 1681 et seq.;
 - f. The Religious Freedom Restoration Act of 1993, 42 U.S.C. 21B sec. 2000bb et seq.;
 - g. The Kentucky Religious Freedom Restoration Act, KRS 446.350;
 - h. Any other applicable federal or state law;
 - i. A court order; or
 - j. A binding contract entered into prior to the June 27, 2025;
2. A bona fide qualification or accommodation based on sex that is historically maintained in the usual course of operating an institution, including but not limited to:
 - a. Sex-based athletic eligibility restrictions;
 - b. Sex-based fraternal organization membership restrictions;
 - c. Sex-based restrictions required to establish or maintain separate living facilities for members of a single biological sex; or
 - d. Bona fide occupational qualifications reasonably necessary to the normal operation of the institution;
 3. A bona fide accommodation based on religion that is required under any applicable federal or state law;
 4. Differential treatment or benefits necessary to provide medical treatment or information; or
 5. Services and programming of resource centers, provided that the participation of each student, faculty member, staff member, and volunteer in each resource center program is optional, not mandatory, and that access to center services is not restricted on the basis of religion, race, sex, color, or national origin;
- (8) "Diversity, equity, and inclusion office" means a nonacademic office, division, or other unit of an institution that is:
- (a) Responsible for developing, implementing, or promoting a discriminatory concept, a diversity, equity, and inclusion training, or a diversity, equity, and inclusion initiative, regardless of whether the office is designated by the institution as a diversity, equity, and inclusion office; and
 - (b) Not expressly required pursuant to applicable federal or state law, a court order, or a binding contract entered into prior to June 27, 2025;
- (9) "Diversity, equity, and inclusion officer" means an employee, contractor, or volunteer:
- (a) Whose responsibilities include developing, implementing, or promoting a discriminatory concept, diversity, equity, and inclusion training, or a diversity, equity, and inclusion initiative outside of the context of academic courses or instruction, regardless of whether the position is designated as a diversity, equity, and inclusion position or affiliated with a diversity, equity, and inclusion office; and
 - (b) Who serves in a role that is not expressly required pursuant to applicable

federal or state law, a court order, or a binding contract entered into prior to June 27, 2025;

- (10) "Diversity, equity, and inclusion training" means a training, conference, presentation, meeting, or professional development that:
 - (a) Contains, implements, or promotes a discriminatory concept;
 - (b) Is not expressly required pursuant to applicable federal or state law, a court order, or a binding contract entered into prior to June 27, 2025; and
 - (c) Does not include academic courses or instruction;
- (11) "Governing board" means the governing board of an institution;
- (12) "Indoctrinate" means to imbue or attempt to imbue another individual with an opinion, point of view, or principle without consideration of any alternative opinion, point of view, or principle;
- (13) "Institution" means a public postsecondary education institution and includes all programs, departments, divisions, offices, centers, colleges, student governments, affiliated organizations, and any individual acting in an official capacity on behalf of a public postsecondary institution and does not include student organizations;
- (14) "Resource" means:
 - (a) Moneys appropriated by the General Assembly;
 - (b) Moneys or items of value derived from bequests, charges, deposits, donations, endowments, fees, grants, gifts, income, receipts, tuition, or any other source;
 - (c) Materials and other physical resources;
 - (d) Digital resources, including an official website, digital application, or social media page of an institution; or
 - (e) Faculty, staff, volunteers, and other human resources;
- (15) "Resource center" means a center maintained by an institution that offers services or programming for students, faculty, staff, and volunteers, including but not limited to centers that offer academic, health, religious, disability, community, and career resources, services, and support; and
- (16) "Student-on-student harassment" means unwelcome conduct directed toward a student by another student that is so severe, pervasive, and objectively offensive that it effectively denies equal access to an educational opportunity or benefit.

Effective: June 27, 2025

History: Created 2025 Ky. Acts ch. 120, sec. 1, effective June 27, 2025.