



EASTERN KENTUCKY UNIVERSITY

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Office of University Counsel & Compliance
Main: (859) 622-6693 • Fax: (859) 622-8030
University.Counsel@eku.edu • www.eku.edu

Coates Building Room 212, CPO 40A
521 Lancaster Avenue
Richmond, Kentucky 40475

November 14, 2025

Chairman West, Chairman Lewis, and Chairman Tipton
Interim Joint Committee on Education
Legislative Research Commission
702 Capital Avenue
Annex Room 136
Frankfort, KY 40601

SENT VIA EMAIL:
Yvette.Perry@kylegislature.gov
christopher.thacker@ky.gov

The Honorable Russell Coleman
Attorney General
Office of the Attorney General
Commonwealth of Kentucky
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601

RE: Amended Letter to Supplement Eastern Kentucky University's HB4 Compliance Report of August 25, 2025

Dear Chairman West, Chairman Lewis, Chairman Tipton, and Attorney General Coleman:

Following a meeting on October 14, 2025 between officials at Eastern Kentucky University ("University" or "EKU") and officials from the Office of the Attorney General, the University was requested to submit an amendment to its report pursuant to Section 17 of House Bill 4 from the 2025 Regular Legislative Session ("House Bill 4"). Given that revisions were requested to the EKU Institutional Neutrality Policy, which required Board action, any revised filing was delayed until after the next regularly scheduled EKU Board of Regents meeting on November 12, 2025. Pursuant to Section 17 of House Bill 4 and the request from the Office of the Attorney General, please accept this supplemental letter as the *Amended HB4 Compliance Report* ("Amended Report") of EKU to supplement the University's prior submission dated August 25, 2025.

As requested by the Office of the Attorney General, this Amended Report provides further details organized according to each statutory subsection (1)(a)-(k) of House Bill 4. This Amended Report incorporates the University's prior letter of August 25, 2025, as if set forth at length herein. In addition, the University submits the following:

Pursuant to House Bill 4, "an institution shall not:"

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- (a) *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.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: University Admissions, Procurement, Human Resources and Academic Affairs reviewed all application and/or bid documents for employment, promotion, contracts, contract renewals, or University or academic program admissions to ensure compliance or make revisions, removing all references to religion, race, sex, color, or national origin except as required by law.
 - c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President of the requisite areas.
- (b) *Discriminate in student admissions on the basis of religion, race, sex, color, or national origin.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: University Admissions reviewed all Admissions application materials, and Academic Affairs reviewed all graduate and academic program admissions materials. Both areas revised application materials or admissions processes where necessary to ensure compliance.
 - c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President of the requisite areas.
- (c) *Except as provided in subsection (2)(l) of this section: 1. Impose any **scholarship criteria or scholarship eligibility restriction** on, or provide differential treatment or benefits to, a scholarship applicant, candidate, or recipient on the basis of an individual's religion, race, sex, color, or national origin; or 2. Execute or renew any **legally binding restriction** that would require an institution to consider the religion, race, sex, color, or national origin of a scholarship applicant, candidate, or recipient.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: All University-funded scholarships were reviewed, and criteria were revised as needed, to ensure compliance. Additionally, scholarships funded by external donors were reviewed and are either not being spent or are being revised (in accordance with the process in KRS 273.640 *et. seq*) as needed to comply with both House Bill 4 and recent, more broad, federal guidance on this same issue.
 - c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President of the requisite areas.
- (d) *Prioritize or provide preferential consideration for **vendors, contracts, or other transactions** based upon the religion, race, sex, color, or national origin of the ownership, management, or staff of any business or nonprofit entity, except that the institution may*

provide preferential consideration for businesses owned by residents of Kentucky and the United States.

- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: University Procurement reviewed and made changes as necessary to its bid documents.
 - c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President of the requisite areas.
- (e) ***Make student housing assignments on the basis of religion, sex, race, color, or national origin unless an exception is necessary to:** 1. Maintain separate living facilities for members of a single biological sex; or; 2. Permit need-based access to student housing facilities during school breaks, provided that room assignments are not implemented in a discriminatory manner or segregated by religion, race, color, or national origin.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: University Housing reviewed all its application materials and its process by which students are assigned to residence hall rooms. Changes were made to ensure that assignments are made only by biological sex for those floors so designated, as exempted under House Bill 4.
 - a. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, the leadership in University Housing, along with the requisite Vice President, has been trained on House Bill 4 requirements, with ultimate responsibility falling to the Vice President for ongoing compliance.
- (f) ***Initiate an investigation of a bias incident unless the general counsel for the institution authorizes the investigation and certifies in writing that the investigation is necessary because the conduct being investigated:** 1. May rise to the level of student-on-student harassment if all facts alleged are taken as true; or 2. Is subject to mandatory investigation pursuant to applicable state or federal law.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: The Office of Equal Opportunity and Title IX (“OEO”), the office tasked with investigations described in this provision, was moved to administratively report to the Office of University Counsel and Compliance in summer 2023. That realignment has led to direct collaboration to satisfy this provision, including oversight of the General Counsel in reviewing reports to advise on the determination of a bias incident versus harassment. Additionally, the Office of Student Conduct and Community Standards, which is tasked with assessing student discipline, has received similar training regarding referring any bias incident to OEO, which refers to Counsel, for approval to move forward.
 - c. Guardrails put in place to ensure future compliance with each provision: A process has been developed between the Office of University Counsel and OEO to ensure proper legal review of any bias incident. The OEO has been trained, as well as the Office of Student Conduct and Community Standards, on House Bill 4 requirements, and the difference between a bias incident and actionable harassment,

The ultimate responsibility will fall to each requisite Vice President to maintain compliance.

- (g) ***Hold a hearing, tribunal, or other disciplinary proceeding on a bias incident unless the general counsel for the institution authorizes the hearing and certifies in writing, after a review of all relevant evidence, that the hearing is necessary to ensure compliance with applicable state or federal law.***
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: See above.
 - c. Guardrails put in place to ensure future compliance with each provision: See above.
- (h) ***Expend any resources to: 1. Establish or maintain a diversity, equity, and inclusion office; 2. Contract or employ an individual to serve as a diversity, equity, and inclusion officer; or 3. Provide diversity, equity, and inclusion training or contribute to any cost associated with planning, promoting, hosting, traveling to, attending, presenting, or otherwise participating in diversity, equity, and inclusion training.***
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: The University reviewed its practices to ensure compliance. The University did not have a diversity, equity, and inclusion office or officer at the time of House Bill 4's passage. The University reviewed trainings from Human Resources, Academic Affairs, and Student Success to ensure any training was not about diversity, equity, and inclusion. The University provided guidance to ensure that no supervisor approves any conference, training, or travel attendance for a diversity, equity, and inclusion training.
 - c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President or Dean of the requisite areas.
- (i) ***On an application for employment, promotion, contract, contract renewal, admission, housing, financial aid, or scholarship, compel, solicit, or consider any pledge or statement on an applicant's experience with or views on religion, race, sex, color, or national origin, except an institution may: 1. If an applicant for admission or scholarship submits an unsolicited statement concerning how a matter relating to religion, race, sex, color, or national origin affected his or her life, consider the statement but shall not provide differential treatment or benefits based upon the race, sex, religion, color, or national origin of the applicant; and 2. Require an applicant for housing to disclose his or her biological sex for the purpose of maintaining separate living facilities for members of a single biological sex.***
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: The University reviewed all applications for employment, internal faculty promotion, contract bid documents, and applications for housing, financial aid, scholarships, and University and academic program level admissions. Materials were revised as needed to comply.

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- c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President or Dean of the requisite areas. As one example, the Chief Human Resources Officer recently updated the required search committee training for hiring officials to include a reference to actions barred under House Bill 4.
- (j) *Require any student to enroll in or complete an academic course of which the primary purpose is to indoctrinate participants with a discriminatory concept.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: While Academic Affairs was adamant that the University did not offer any course “of which the primary purpose is to indoctrinate participants with a discriminatory concept,” Academic Affairs, nevertheless, undertook a full review of all courses offered at the University which were required to progress either in the required general education program or in a specific academic program or major. Changes were made to the general education program, and revisions were made to specific courses to ensure the University met House Bill 4 compliance.
 - c. Guardrails put in place to ensure future compliance with each provision: To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President or Dean of the requisite areas.
- (k) *Require or incentivize students, faculty, or staff to attend a diversity, equity, and inclusion training.*
- a. Status of compliance: **COMPLIANT**
 - b. Steps taken to achieve compliance: See above at subparagraph (h).
 - c. Guardrails put in place to ensure future compliance with each provision: See above. To ensure compliance is maintained, each area has been trained on House Bill 4 requirements, with ultimate responsibility falling to each Vice President or Dean of the requisite areas.

Additionally, as part of the discussions with the Attorney General’s Office, some additional clarification was requested in the University’s Institutional Neutrality Policy. At its most recent regularly scheduled board meeting on November 12, 2025, the Board of Regents adopted an amended University Institutional Viewpoint Neutrality Policy, which made changes to more clearly state the University shall not discriminate against individuals or groups based on their social or political viewpoints, and to further clarify the bounds of institutional neutrality.

Consistent with Section 17(2) of House Bill 4, this Amended Report will be published on the University’s Public Reports webpage (<https://www.eku.edu/university-counsel/public-reports/>), a prominent, publicly accessible page of the University’s website, and maintained there for no less than one year.

Eastern Kentucky University remains committed to transparency and to serving the Commonwealth by advancing educational excellence and opportunity for Kentucky students. Should you have further questions or requests, please direct them to Amy Scarborough, the University's Chief Government, Community, and Corporate Relations Officer or to my attention. Amy has been copied on this communication and can be reached by email (Amy.Scarborough@eku.edu) or phone (859-353-2104).

Respectfully Submitted,



Dana Daughetee Fohl, J.D.
Vice President & General Counsel
Eastern Kentucky University

Cc: Yvette Perry, LRC Committee Staff Administrator; Amy Scarborough, Chief Government, Community, and Corporate Relations Officer; Christopher Thacker, General Counsel, Office of the Attorney General