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August 19, 2025

Via U.S. Mail

Attorney General Russell Coleman
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601-3449

Re: University of Kentucky's Non-Compliance with 25 HB 4

Dear Attorney General Coleman:

This letter concerns the University of Kentucky Board of Trustees non-compliance with the recently passed 25 House Bill 4 ("HB4"). Any public postsecondary institution not in compliance with statute may be subject to a civil action by the Attorney General to compel compliance. K.R.S. § 164.2896(3).

HB 4, which was codified and effective as of June 27, 2025, requires each public postsecondary institution's governing board ensure compliance with the law no later than June 30, 2025. The law specifically provides that:

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

- (a) Adopt a policy on viewpoint neutrality that prohibits discrimination on the basis of an individual's political or social viewpoint and promotes intellectual diversity within the institute; and
- (b) Publish the amended policy in the institution's student handbook and faculty handbook and on a prominent, publicly accessible page of the institution's website.

K.R.S. § 164.2896(1).

On July 17, 2025—after the time in which the University of Kentucky's Board of Trustees was required to ensure compliance with statute—Michael Frazier submitted the following Open Records Request seeking: the University's neutrality statement; the link to the University's website; and the University's most current and updated Institutional Statements Policy. *See* Attachment 1.

On July 23, 2025, the University's Office of Records Custodian provided a response. *Id.* The same day, Mr. Frazier sent a follow-up Open Records Request seeking: the minutes, policy,

agenda and any records relating to adoption of institutional neutrality by the governing board of the institution. *Id.* On July 30, 2025, the University responded as follows:

RESPONSE: Pursuant to your request above, please be advised that the Board of Trustees has delegated Administrative Authority to the President. GR I.A.3. The President, exercising the Administrative Authority given him by the Board adopted the Institutional Neutrality Statement.

Id.

The University of Kentucky Board of Trustees has not complied with HB4.

First, the Board of Trustees improperly delegated its policy making authority. The law requires that the “**governing board**” of the postsecondary institution “adopt a policy.” At the University of Kentucky, the governing board is the Board of Trustees and that board is the final policymaking authority. GR I.A.2. The University President’s role is to implement the policies adopted by the Board. GR III.B. In the University’s response on July 30, 2025, it admits that the Board instead delegated this policymaking authority to the President. Because the law specifically requires the Board to adopt a viewpoint neutrality policy, by impermissibly delegating this responsibility to the University President, the Board is not in compliance with K.R.S. § 164.2896(1).

Second, the Board has not itself adopted a policy on viewpoint neutrality. The law is clear that the governing board *shall* adopt the policy. K.R.S. § 164.2896(1)(a). However, the University stated that the Board did *not* adopt the policy that was drafted, but instead allowed the President to draft and adopt the policy. Thus, even assuming there was not an improper delegation to the University President—there was—the Board would still need to adopt or ratify the policy the University President imposed. Because the Board has not done so, it is not in compliance with K.R.S. § 164.2896(1)(a).

Third, the policy provided by the University is entirely deficient. *See* Institutional Neutrality Statement (“Statement”) at Attachment 2. State law requires the Board to adopt a “viewpoint neutral[]” policy that “prohibits discrimination on the basis of an individual’s political or social viewpoint.” K.R.S. § 164.2896(1)(a). The University’s Statement does not satisfy this statutory requirement. Instead, the Statement merely provides guidelines for the University’s current events and other issues. It does not “prohibit[] discrimination on the basis of an individual’s political or social viewpoint and promote[] intellectual diversity within the institution,” as the law requires. K.R.S. § 164.2896(1)(a).

Fourth, because the Board has not adopted a policy “prohibiting discrimination on the basis of political or social viewpoints,” the Board is necessarily out of compliance with the requirement to publish the policy in the student and faculty handbooks, and in a prominent publicly accessible page of the University’s website. K.R.S. § 164.2896(1)(b).

Finally, HB4 clearly established the date by which the Board must be in compliance with the law—no later than June 30, 2025. K.R.S. § 164-2896(1). As of today, **56** days after the Board was required to be in compliance, it is still not.

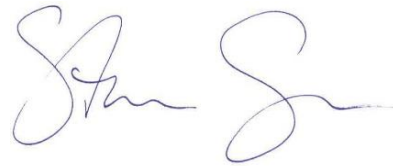
The Attorney General may bring a civil action to compel any institution to comply with HB4. Given the Board's noncompliance with the clear requirements of state law, the Attorney General should bring an action to compel compliance under K.R.S. § 164.2896(3).

We look forward to seeing updates on this matter. Should you have any questions in the meantime, please do not hesitate to contact Christopher Wiest at (513) 527-1895 or chris@cwiestlaw.com or Stacy Skankey at (602) 462-5000 or sskankey@goldwaterinstitute.org.

Respectfully,

/s/ Christopher Wiest

Christopher Wiest
Chris Wiest Attorney at Law, PLLC



Stacy Skankey
Staff Attorney
Scharf-Norton Center for
Constitutional Litigation at the
Goldwater Institute

cc (via Email):
University of Kentucky Board of Trustees
BoardofTrustees@uky.edu



Office of Records Custodian

University of Kentucky

Main Campus Location

301 Main Building

Lexington, KY 40506-0032

P: 859-257-2936

F: 859-323-1062

www.ukopenrecords@uky.edu

July 23, 2025

VIA EMAIL: mcfrazier231@gmail.com

Mr. Michael Frazier

RE: Open Records Request

Dear Mr. Frazier:

This letter is in response to your Open Records Request received by this office on July 17, 2025. You requested the following:

“As a citizen of the Commonwealth, I request to inspect the following records:

-the institution's neutrality statement as required by 25 HB 4.

-The link to the institution's website; and,

-The university's most current and update Institutional Statements Policy.”

RESPONSE: Pursuant to your response above, please see the links provided below that contain the information you are seeking.

[https://uknow.uky.edu/sites/default/files/UK Institutional Statements Policy.pdf](https://uknow.uky.edu/sites/default/files/UK_Institutional_Statements_Policy.pdf)

Mr. Michael Frazier

<https://www.uky.edu/prmarketing/mpoc>

<https://pres.uky.edu/news/many-people-one-community>

Should you have any further questions, please contact the Open Records Office.

Sincerely,

/s/ Eric N. Monday by W.E.T.

Eric N. Monday
Official Records Custodian



Office of Records Custodian

University of Kentucky

Main Campus Location
301 Main Building
Lexington, KY 40506-0032
P: 859-257-2936
F: 859-323-1062
www.ukopenrecords@uky.edu

July 30, 2025

VIA EMAIL: mcfrazier231@gmail.com

Mr. Michael Frazier

RE: Open Records Request

Dear Mr. Frazier:

This letter is in response to your Open Records Request received by this office on July 23, 2025. You requested the following:

"I have one additional request:

The minutes, policy, agenda and any records relating to adoption of institutional neutrality by the governing board of institution."

RESPONSE: Pursuant to your request above, please be advised that the Board of Trustees has delegated Administrative Authority to the President. GR I.A.3. The President, exercising the Administrative Authority given him by the Board, adopted the Institutional Neutrality Statement.

Should you have any further questions, please contact the Open Records Office.

Sincerely,

/s/ Eric N. Monday by W.E.T.

Eric N. Monday
Official Records Custodian

Institutional Statements Policy

The mission of the University of Kentucky is to improve people's lives and advance Kentucky through excellence in education, research and creative work, service and health care. As a learning institution, the dissemination of ideas, debate and open inquiry are essential to this mission.

For these reasons, and as a public institution of higher education and state agency, the university does not take official positions on or issue public statements about societal issues and events that do not directly impact the mission or function of the university. The university may issue public statements about internal issues or events at the institution as well external issues and events that directly impact the university's operations or ability to pursue its mission.

This policy seeks to create space for the many voices on our campus and ensure that we are fostering conversations between diverse perspectives, rather than issuing statements of a particular view on matters external to UK. With or without a public statement regarding a specific event, the university is always committed to bringing together many people in one community, putting students first and taking care of our students, faculty and staff.

For the purposes of this policy, public statements include:

- Campus-, unit-, college- or department-wide emails
- Messages published on websites
- Messages published on printed materials
- Social media posts on UK accounts
- Statements made to news media

This policy in no way impacts an individual's First Amendment rights to voice their views, on behalf of themselves and not the institution, nor does it impact a faculty member's academic freedom or ability to speak as a subject matter expert within their domain of expertise.

I. External Issues and Events

Tragedies, newsworthy events and political issues affect our nation and world every

day. UK recognizes the impact these events can have on our community and provides support to constituencies through a variety of ways.

At the same time, the university does not take official positions on or make public statements about societal issues and events external to the university unless the external issue or event impacts the university's operations or ability to fulfill/pursue its mission. Some examples of external issues and events include acts of violence, political issues, international affairs, natural disasters or public policy.

The university may, however — through its Office for Student Success, Human Resources and other units — provide more personalized outreach to students, faculty or staff impacted by a particular distressing event by offering resources, gatherings and other forms of support.

The dissemination of ideas, free debate and open inquiry are essential to the university's mission of education, research and creative work, service and health care. When it comes to societal issues or external events, rather than issue a blanket statement, our institutional priorities are to create space for the nearly 60,000 diverse voices on our campus, foster conversations and offer support to community members.

Furthermore, broad institutional statements — communicated via emails, social media posts and news media — are often inadequate for processing traumatic societal events that impact people in different ways.

II. **Administrative and Academic Units**

- I. The university's policy on issuing statements applies to administrative and academic units across the institution. The president and the president's designated spokesperson are the only people who speak on behalf of the institution.
- II. Therefore, university leaders, colleges, departments and units should not issue any institutional statements. This includes statements about external issues/events and campus issues/events and applies to messages communicated via:
 - Campus-, unit-, college- or department-wide emails
 - UK websites

- Printed materials
- UK-affiliated social media
- Media statements

III. For issues or events specific to the college, department or unit, academic and administrative units must work with UKPR&SC prior to issuing public statements.

III. **Faculty and Academic Freedom**

This policy respects and upholds principles of academic freedom. A faculty member has the right to make statements as an individual, scholar or subject matter expert, provide perspective and speak to the media, but they should always take care to reinforce that they are speaking as an individual or in their capacity as a subject matter expert, not as a representative of the institution unless so designated by the president.

IV. **Advisory Bodies**

- I. The university's official advisory bodies – part of the institution's shared governance structure – include the Staff Senate, Student Government Association and Faculty Senate. These bodies represent their respective constituencies in working on issues at the university, including advising the president and executive leadership. As such, these bodies may issue public statements or pass resolutions on university issues impacting their respective constituencies without institutional coordination or approval. These bodies should communicate that they are speaking for the advisory body, not the institution. Additionally, these public statements about UK issues or events should still adhere to Section VI.III of this policy.
- II. The university's official advisory bodies should not issue public statements about external issues and events, which may include acts of violence, political issues, international affairs, natural disasters or public policy. Read Section I for more information.

V. **Statements Made in Private Capacity**

- I. All community members have free speech rights as enumerated in the U.S. Constitution. Those rights are sacred to who we are as an institution of learning and inquiry. At the same time, though, there is a difference between individual speech rights and perspectives and offering statements on behalf of the

institution through a person's administrative role, including the use of institutional platforms such as websites or social media accounts.

- II. To be sure, any community member may express their views as a private individual. Those statements must not include any content that suggests the message or communication represents any academic or administrative unit, activity or initiative of the university.
 - a. University email, social accounts or web addresses should not be used when issuing statements in a private capacity.
 - b. Elements of the University of Kentucky Visual Identity should not accompany such messages, including the university name, logo or associated images, unless used as part of a position title by a faculty member to demonstrate a field of study or subject matter expertise.
 - c. University stationery, backdrops or signature lines, either in print or electronically, should not be used for statements made in private capacity.

VI. **Public Statements on UK Issues**

- I. If a decision is made to issue an institutional statement or message about an internal issue or event at the institution, or an external issue or event directly impacting the university's mission or operations, UKPR&SC will coordinate.
- II. Only the president or his designee speaks on behalf of the university. As previously stated, administrative and academic units do not issue their own institutional statements and must work with UKPR&SC to issue unit-specific public statements.
- III. In accordance with university Administrative Regulations and other policies, including [HR Policy and Procedure #76 Political Activities and Public Office](#), [Administrative Regulation — Ethical Principles and Employee Code of Conduct](#), [Administrative Regulation 10:4 — Social Media Policies and Guidelines](#), [The Family Educational Rights and Privacy Act \(FERPA\)](#) and [Health Insurance Portability and Accountability Act \(HIPAA\)](#), among other policies, public statements must not do any of the following:
 - a. Include any messages that promote, endorse or oppose political campaigns or candidates for elected or appointed government office, or comment in support or opposition to specific legislation in ways that would be subject to lobbying rules or IRS restrictions for non-profit organizations.

- b. Threaten, harass or discriminate.
- c. Release private or confidential information, including, but not limited to, information related to the academic records, health status or personnel records of individuals at the institution.
- d. Violate the rights of an individual or an organization to its intellectual property.
- e. Violate the Employee Code of Conduct.

VII. **Supporting Our Community**

- I. University leaders and all members of the campus community can help address concerns and pain following issues, tragedies and unsettling events in more personal and productive ways. This support should be coordinated with UKPR&SC and appropriate university departments such as the Office for Student Success and Office of the Executive Vice President for Finance and Administration.
- II. Support could include:
 - a. Sharing well-being resources with [students](#) and [employees](#) in need of support.
 - b. Hosting or attending listening sessions with appropriate support for those struggling with grief or stress.
 - c. Joining or supporting panel discussions, information sessions or other opportunities that share perspectives and historical context.
 - d. Coordinating events or projects that offer support to those directly impacted, such as a supply donation drive.
 - e. Supporting vigils or events that allow individuals and groups to grieve and share resources.
 - f. Participating in UK information sessions or trainings that prepare for crisis situations, such as an [active aggressor training](#).
 - g. Sharing ways to [report](#) incidents of discrimination, harassment or sexual misconduct, or violations of our values, codes of conduct or the law.
 - h. Reaching out personally to those affected by a tragedy or event to check on their well-being. If you are concerned about a student's well-being, submit the [Get Help Form](#).

VIII. **Additional Resources**

- [HR Policy and Procedure #76 Political Activities and Public Office](#)

- [Administrative Regulation — Ethical Principles and Employee Code of Conduct](#)
- [Health Insurance Portability and Accountability Act \(HIPAA\)](#)
- [The Family Educational Rights and Privacy Act \(FERPA\)](#)
- [Administrative Regulation 10:4: Social Media Policies and Guidelines](#)
- [Brand Guidelines](#)
- [Style Guide](#)