

When Our Work Becomes Illegal: Navigating Anti-DEI Laws in Kentucky

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ABSTRACT

In 2025, Kentucky passed a law outlawing DEI offices, resources, and programming in public colleges and universities. In this article, we—two academic librarians at an urban, public research university in Kentucky—reflect on how that anti-DEI law renders much of our collaborative and individual work illegal. We provide a chronology of DEI-related changes over a five-year period at our institution, highlighting the shift from the university's goal in 2020 of becoming a premier anti-racist research university to DEI now being outlawed at the university in 2025.

On Tuesday, January 21, 2025, we met with the University of Louisville's (UofL) Director of Foundation Relations to begin planning the third annual Business, Equity, Arts, Technology, and Science (BEATS) Week, which was the first of many initiatives that fostered collaboration between us as librarians, colleagues, and friends committed to championing diversity, equity, and inclusion (DEI). Since its inception in fall 2023, BEATS Week's purpose has been to connect underrepresented students and local entrepreneurs with the business, equity, arts, technology, and science skills they need to further their business and professional development. The first two iterations of the weeklong series succeeded in part due to the involvement of campus and community partners and sponsors. We sought to again achieve similar success for the third year by meeting with the Office of Corporate and Foundation Relations earlier in the planning process.

Though the first call occurred one day after Donald Trump's second inauguration and fourteen days into the Kentucky state legislative session, we left the call excited by the possibilities for the series. Ideas swirled. The director already had names of women, minority, and small business owners who were interested in the impact report from the second annual series and might want to be involved with this year's series. Could BEATS Week move beyond a week to be a semester- or yearlong series? Could we harness the success of the first two years to create corporate-branded engagements? What about incorporating an entrepreneurship-focused reading circle?

But by the time we met with our fellow co-conveners to update them just a week later, on January 29, some of the optimism had already begun to fade. In the interim between meetings, a series of executive orders had created confusion, uncertainty, and fear. For the first time, we began to ask ourselves not *what* we would do in the fall, but whether we even *could*.

Any discussion of how we are navigating changes in the diversity, equity, and inclusion landscape requires a reflection on how we personally and professionally arrived at this moment at our institution. In this essay, we will provide a chronology of DEI-related changes at our institution and reflect on how those changes have impacted our work. We will first provide a quick introduction to who we are, to be transparent about our positionality and relationship to DEI in education.

Who We Are

Alexandra Howard is a white woman born and raised in the South. Diversity has been central to my education throughout my life. My first educational experience was attending a predominantly African American elementary school, which instilled in me at an early age the importance of diverse learning environments. I earned a bachelor of arts in Africana studies from Oberlin College. From there, my professional pursuits centered on uplifting voices and stories that have been historically marginalized. I managed a leadership and advocacy program at a nonprofit in San Francisco, empowering young adults experiencing homelessness to share their stories and advocate for policy change at the state and regional levels. I worked as a criminal defense investigator for the Metro Nashville Public Defender, locating information to defend the innocence of my clients and to tell their stories beyond the crimes they had been accused of committing. I became a librarian to help increase equitable access to information for marginalized communities because I had seen firsthand the power information has to transform lives and effect change. My purpose in becoming a librarian is now being directly challenged by anti-DEI legislation at the state and federal levels.

Courtney Shareef is an African American woman also born and raised in the South. I received a bachelor's in journalism with a minor in African American studies from Howard University and a master of fine arts in creative writing - fiction from Columbia College Chicago, before pursuing an MLIS. Much of my professional experience prior to librarianship focused on elevating and amplifying marginalized and missing voices, as evidenced through my roles with Howard University's student-run radio station WHBC and its sister station WHUR 96.3 FM; as freelancer for Baltimore's *The Afro* and other press in the DMV area; as social media coordinator for MetroTeenAIDS/Real Talk DC, a nonprofit focused on HIV healthcare and prevention for youth; as creative writing instructor for After School Matters, a summer program for high school youth; and with *The HistoryMakers*, the nation's largest African American video oral history archive. Part of what motivated me to become a librarian was a desire to learn how to effectively reach and teach the marginalized and the missing how to find and utilize the information and resources they need to advance and preserve their personal, academic, and professional endeavors.

As we will detail in this article, the ideals that led us to the library and information science profession and fueled our early career work are now in direct opposition to legislation in our state and across the country. We have felt the effects from all sides. Our successful BEATS Week series has been paused indefinitely. Cautious colleagues have advised us to be mindful in our journey toward tenure, encouraging us to seek scholarship and research interests that are not connected with identity, and to consider service to organizations that comply with our state's anti-DEI legislation.

Our Institution's Shifting DEI Landscape: 2020–2024

In July 2020, the University of Louisville's then-president, Dr. Neeli Bendapudi, announced to students, faculty, and staff her goal that the university become the "premier anti-racist metropolitan research university." This goal was announced alongside notice of the university's "Cardinal Anti-Racism Agenda," which would incorporate feedback from the UofL community into its development in order to "strengthen all of us personally, professionally, and collectively for years to come" (Chernoff 2020).

Neither of us was a member of the institution at the time. Alex would join the university three months later and, inspired by the commitments of both the university and the city in the wake of Breonna Taylor's murder and the summer of social justice, began almost immediately to infuse social justice, anti-racism, and equity into her approach to business librarianship. This was not only a reflection of Alex's personal values, but also an effort to align her work with the university's strategic goals. In 2021, Alex began an initiative to connect local Black-owned businesses with library and university resources. This outreach led to research consultations with local entrepreneurs in the library, which evolved to larger collaborations. Howard and Koenig (2024) detail a community-engaged student research project they cocreated with a business owner Alex met through her 2021 initiative. BEATS Week was cofounded by this business owner, Alex, and a marketing professor with the goal of extending entrepreneurship education beyond the business school and further expanding campus and community collaboration. Courtney quickly joined the BEATS Week leadership team through her initial position as the diversity resident at University Libraries.

By the time Alex agreed to serve on the search committee for a new diversity resident in 2022, Dr. Bendapudi had left the university, and there were signs the university might be shifting away from the former president's "premier anti-racist" institution goal. Despite diversity resident positions being explicitly intended to increase "the hiring pipeline of qualified and talented individuals from underrepresented racial and ethnic groups" (American Library Association 2016), the university would not allow language in the job posting for the diversity resident that reflected this intention. The final, approved position was titled "Strategic Initiatives Librarian (Diversity Residency Program)" and featured three experiences over the two-year term. Alex would serve as the mentor of the innovation and entrepreneurship experience. The goal of this experience was for the resident to help form partnerships on campus and in the community to promote equitable access to entrepreneurship resources.

Courtney began as an academic librarian in January 2023. Within the first weeks of her hire, institutions around the country, including her own, began to take notice of Florida, which proposed its House Bill 999. The bill intended to remove from public colleges and universities "any major or minor in Critical Race Theory, Gender Studies, or Intersectionality, or any derivative major or minor of these belief systems," as well as prohibit the ability for these public institutions to utilize funds that support DEI programming or activities on campus (Florida Legislature 2023). But the situation at our institution and within our state felt far removed from those states. Or so we thought then.

Throughout the spring and into the summer and fall semesters, Alex and Courtney worked closely together. They transformed the residency's innovation and entrepreneurship mentored experience into the programmatic series that eventually became the first annual BEATS Week. The collegial relationship fostered through the mentorship experience eventually prompted Alex to encourage Courtney to become involved in the University Libraries' Diversity and Inclusion Advisory Group (DIAG) and to apply to serve on the university-wide

Commission on Diversity and Racial Equity (CODRE), which advised the president. Another colleague also invited Courtney to serve as the “Diversity Dispatch” columnist for the *Kentucky Libraries* journal published by the Kentucky Library Association. Her first column, “By the Time You Read This,” offered a reflection on the growing anti-DEI sentiment in higher education (Shareef 2023).

In retrospect, we started to suspect that Kentucky would soon experience what was happening in Florida and Texas during summer 2023, only a few months before our inaugural BEATS Week later that September. We noticed by happenstance that our institution’s Office of Diversity, Equity, and Inclusion had quietly changed its name on the university’s website to the Office of Institutional Equity. To our knowledge, this change was made preemptively and without transparency. At the time, there had not been any legislation proposed in the state that dictated the change.

Even though we had faint worries about where we might be headed in fall 2023, we were not consumed by them. We planned our first annual BEATS Week alongside fifteen campus and community partners. Our BEATS Week cofounding community partner was the CEO and founder of Black Complex, a local coworking and event space geared toward Black entrepreneurs, creatives, and professionals. In our promotion of the event, we highlighted statistics around underrepresented entrepreneurs and minority-owned businesses in Louisville. This focus on supporting these specific populations in our community is now unlawful in our state and prohibited at our institution. We partnered with the now-defunct Cultural Center’s Black Male Initiative, which agreed to host its simultaneously occurring Wellness Week as part of BEATS Week’s opening and closing events. Melanin Music Monday—the opening—featured student performers, and The Final Cut: BEATS & Basketball—the closing—included a student basketball tournament with business and library resources offered on the sidelines. We were intentional about ordering catering only from local minority-owned businesses for our events throughout the week, another consideration that is now illegal. Our first annual BEATS Week was a huge success. Our primary sponsor was world-famous rapper and local hometown hero Jack Harlow, through The Jack Harlow Foundation. We had over 465 attendees across our eight events. When BEATS Week concluded, students, along with campus and community partners, were all excited to be involved in the second iteration, which would occur in November 2024.

Between fall 2023 and fall 2024, new legislation was introduced at the state level that aimed to ban DEI programming at public colleges and universities. While there was serious concern among DEI practitioners and advocates at the university, our university administration assured us in late 2023 that there was no cause for concern or need for collective organizing and strategizing. The proposed bill did not pass during the April 2024 legislative session; however, the Kentucky Senate’s Minority Floor Leader spoke at a university event hosted by the now-defunct Commission on Diversity and Racial Equity (CODRE), warning attendees that the legislation would be reintroduced and suggesting that preparing a strategic response was essential.

We learned in August 2024 that the University of Kentucky, Kentucky’s flagship land-grant research university, had preemptively scrubbed its website of DEI-related content and closed its DEI offices. But to our knowledge, not much changed at our university during the summer and fall of 2024. While we found the proposed legislation incredibly concerning, we also believed it was increasingly important to promote equitable access to entrepreneurship education for underrepresented communities on campus and in our city through BEATS Week. Many on campus and within the community anticipated its return that November.

While we were successful in our first iteration of BEATS Week, we applied the lessons learned from that initial offering and saw enormous growth in our second annual event. We had a new community partner, a local nonprofit that operated a Black and Latinx business incubator. We narrowed our focus in our programming, hosting only five events, yet nearly doubled our attendance, with over 800 attendees across the week's events. We increased the number of campus and community partners involved in planning and executing the week from 15 to 26. We directly supported 12 minority-owned businesses through catering purchases and local business showcases. We also hosted our first BEATS Week pitch competition in partnership with the university's entrepreneurship center and were able to give out over \$14,000 in scholarships and cash prizes. We engaged new audiences, resulting in an increase in community member participation, as well as participation from local high school students enrolled in an entrepreneurship and leadership program. BEATS Week began to gain recognition across campus and throughout the city as an initiative that people wanted to participate in and support for the long term. At the conclusion of the week, our partners were ready to start planning our third annual BEATS Week.

Unfortunately, as predicted, the anti-DEI bill targeting higher education was reintroduced during the 2025 state legislative session. This time, it passed.

2025: Where Are We Now?

House Bill 4 was officially passed on March 28, 2025, and went into effect as Kentucky Revised Statute (KRS) 164.2895 on June 27, 2025. The law prohibits "consideration of religion, race, sex, color, or national origin by public postsecondary education institutions" and bans the use of any resources for DEI offices, programming, or other efforts (Kentucky 2025). This came shortly after attacks on DEI and education at the federal level, including a slew of executive orders issued by Trump after taking office. It was hard to accept the dystopian nightmare of censorship and silencing that challenged the foundation of our work as librarians.

The university had until June 30 to comply with the new law. Some offices and positions were renamed, including the aforementioned Cultural and Equity Center. Some initiatives were paused, and some organizations were dissolved. While the institution aimed for greater transparency regarding some decisions, many uncertainties still exist about the changes and expectations for compliance.

While we had begun planning for our third annual BEATS Week, we were also having conversations around scaling down the weeklong event series to ensure its long-term sustainability. However, it quickly became clear that hosting BEATS Week would no longer be an option, as it was a DEI initiative that did not fall under the exemptions for classroom instruction and research. It would be possible to replace "equity" with "entrepreneurship" in the BEATS Week acronym; however, the heart and soul of BEATS Week was really its emphasis on equitable access to entrepreneurship education for diverse and underrepresented business owners. Despite the decision not to continue the program this year, we continue to hear from campus and community partners eager to support BEATS Week.

Institutional compliance with the new law had a significant impact on University Libraries beyond the cancellation of the third annual BEATS Week. Earlier this semester, specific service roles were removed from faculty librarian annual work plans. Faculty librarians were later asked to submit a revised workplan with the new law in mind. The future of fulfilling service obligations remains unclear, but the prevailing guidance so far has been to

take a conservative approach. The new law prohibits using university resources to participate in DEI activities in professional or community organizations. This means that any librarians participating in service to any identity- or DEI-based professional organization will not be able to include that work in their annual reviews or towards promotion and tenure. All libguides with a DEI focus outside of specific academic programs were removed from the library website, including a Celebrating Black History guide and DEI Toolkit for the College of Business that Alex had created. Library sponsorship and representation at certain campus events remains tenuous.

In the midst of the chaos and confusion caused by the impending law, Alex had to prepare and submit her tenure file a month before it went into effect. Reviewing her body of work over the last five years and recognizing how much of it may now be considered illegal was jarring. DEI was at the foundation of her university and professional service, research and scholarly activity, and approach to teaching and librarianship. While Alex did not shy away from this reality in her personal statement for tenure, colleagues cautioned her from explicitly mentioning the new anti-DEI legislation and reflecting on the need for academic freedom in light of it. The future of Alex's tenure case is unclear. Though Courtney still has a few years before submitting her tenure file, she has been encouraged to diversify her scholarly pursuits by exploring opportunities beyond the service and scholarship that have thus far been grounded in DEI.

Uncertainty continues. We write this mindful that Kentucky's 2026 legislative session begins in just a few short months. We anticipate additional legislation that may further impose upon our intellectual and academic freedom. Developments at the federal level have left us speechless, and we do not know what to expect next. What do intellectual and academic freedom mean now that exploring certain ideas, educating on certain topics, and serving in certain professional capacities are considered illegal? How do we, as academic librarians who have been committed to DEI throughout our academic and professional careers, balance upholding our personal and professional values while remaining compliant with a new law that directly contradicts them? We don't have the answers, but we are committed to staying in community with each other, our colleagues, and other librarians and educators to find paths forward together.

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