

**To:** Campus Community Members of the Massachusetts State Universities

**Date:** February 6, 2025

**Re:** Massachusetts State Universities' Equal Opportunity, Nondiscrimination and Title IX Plan - Compliance with the January 9, 2025 Kentucky U.S. District Court Order and February 4, 2025 Dear Colleague Letter

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In light of the January 9, 2025 decision from the U.S. District Court for the Eastern District of Kentucky (*State of Tennessee v. Cardona*, 2:24-cv-00072, (E.D. Ky)), the State Universities' 2024 Equal Opportunity, Nondiscrimination and Title IX Plan, approved by the Board of Higher Education, shall be amended to comply with the Court's order and the 2020 Title IX Final Rule. Specifically, effective January 9, 2025, the State Universities' 2020 Title IX Sexual Harassment Policy that was in effect between August 14, 2020, and August 1, 2024, and which reflects the State Universities' requirements and obligations as they pertain to sexual harassment under the 2020 Title IX Final Rule, shall be reinstated and applied for all conduct defined as sexual harassment under the 2020 Title IX Final Rule. Consistent with the Dear Colleague Letter dated February 4, 2025, all active investigations of complaints that meet the definition of sexual harassment under the 2020 Title Rule shall be reoriented to comport with the State Universities' 2020 Title IX Sexual Harassment Policy.

In addition to reinstating the State Universities' 2020 Title IX Sexual Harassment Policy, the State Universities are reinstating the mandatory reporting requirements contained in Article IX of the State Universities' 2020 Equal Opportunity, Diversity and Affirmative Action Plan, consistent with the mandatory reporting requirements under state law and the 2020 Title IX Final Rule. The expansion of reporting requirements – specifically, imposing reporting requirements on additional members of the campus community, including employees responsible for teaching and advising, as well as imposing obligations with respect to informing persons who report pregnancy or pregnancy-related conditions – will no longer be enforced. All employees, however, are still encouraged to report to their respective Equal Opportunity Officer or Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation. Furthermore, annual training requirements, as mandated under the 2024 Title IX Final Rule for all employees who are not process participants, are no longer in effect and will not be enforced.

The State Universities remain dedicated to providing a safe and inclusive environment for all members of our campus communities and that commitment remains memorialized in the collective bargaining agreements, student handbooks and existing 2024 Equal Opportunity, Nondiscrimination, and Title IX Plan, which was implemented on August 1, 2024. All prohibited discriminatory conduct that does not meet the definition of sexual harassment under the 2020 Title IX Final Rule shall continue to be addressed in accordance with the Policy of Nondiscrimination in the 2024 Equal Opportunity, Nondiscrimination, and Title IX Plan. To that end, it is important to highlight that, consistent with state law, discrimination based on gender identity, gender expression, sex stereotypes, sex characteristics and sexual orientation are prohibited under the Policy of Nondiscrimination in the 2024 Equal Opportunity, Nondiscrimination, and Title IX Plan.