



To: Senior Administrators Leading Diversity, Equity, and Inclusion

CC: Chancellors and Provosts

From: Nefertiti A. Walker, Senior Vice President, and Denise Barton, Chief Deputy General Counsel

Date: February 21, 2025

Re: Update on DOE Dear Colleague Letter

For the last month, the University of Massachusetts President's Office, the five campuses, and Massachusetts State agencies have been analyzing and working to respond to federal policy changes. Most of our efforts have been focused on federal policy changes in research, grants, and immigration as it relates to our faculty, students, and staff.

On February 14, 2025, there was a shift. The United States Department of Education (USDOE) issued a Dear Colleague letter, which described DEI activities it would consider addressing, provided its own interpretation of the United States Supreme Court's holding in the SFFA cases, and provided its own perspective of certain federal law. Importantly, the letter stated that "[t]his guidance does not have the force and effect of law and does not bind the public or create new legal standards." The letter did, however, reiterate the **requirement** that institutions "ensure that their policies and actions comply with existing civil rights law" or risk the possible loss of certain federal funding.

While this letter and its commentary have caused concern and confusion, federal and state antidiscrimination and civil rights laws have not changed. The University has always committed to following the law and will continue to do so. Nonetheless, it is prudent to prepare for a future legal directive from the USDOE by considering the following recommendations:

- Ensure all policies, programs, and activities, specifically those related to admissions and associated processes, scholarships, awards, and programs that consider race or ethnic status and present a benefit or opportunity to the receiver (i.e., student) are up to date and are compliant with current federal and state law.
- Review all campus DEI policies, programs, and activities to ensure they do not restrict participation or access based on protected class or status and that they comply with current federal and state law.
- Review all DEI policies, programs, and activities to ensure they align with the University mission to provide an affordable and accessible education of high quality and to conduct programs of research and public service that advance knowledge and improve the lives of the people of the Commonwealth, the nation, and the world.

The University is committed to creating campus communities where all experiences, cultures, and perspectives are respected, and is committed to ensuring our practices, policies, and culture are rooted in fairness, foster a universal sense of belonging, and remain accessible for all individuals in the Commonwealth and beyond. Just as representation, fairness, opportunity, and the rule of law are the foundations of our democracy and Commonwealth, they are the core elements for all diversity, equity, and inclusion activities and work. Let us take this moment to reflect, align, and connect to these foundations.

As new federal policies arise, we will continue to provide periodic updates and guidance whenever necessary. Please do not hesitate to submit additional questions through the [UMass Office of General Counsel's Portal](#).

Sincerely,

Nefertiti A. Walker & Denise Barton

University of Massachusetts

