



## **Memorandum**

To: Stonehill Community

From: Thomas V. Flynn  
Vice President and General Counsel

Date: July 17, 2024

Re: July 2, 2024, Decision of the United States District Court in Kansas v. U.S. Dept of Education, et. al.

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### **What is this case about?**

The case concerns a legal challenge against the Final Rule implemented by the Department of Education (“DOE”), which, among other things, modifies Title IX regulations to expand the definition of sex discrimination to include discrimination based on gender identity. Plaintiffs, comprising the states of Kansas, Alaska, Utah, and Wyoming, along with several private organizations, argued that the Final Rule is contrary to Title IX, violates Constitutional rights, including the First Amendment, the Major Questions Doctrine (arguing that the DOE overstepped its policy-making authority and made decisions which should have been the prerogative of Congress), and the Spending Clause, and that the DOE’s actions were arbitrary and capricious.

The DOE has argued in defense of its rule implementation that its actions were consistent with the Supreme Court’s decision in [Bostock v. Clayton County](#), which held that discrimination based on sexual orientation or gender identity is a form of sex discrimination.

### **What did the Court do on July 2<sup>nd</sup>?**

The Court granted a preliminary injunction to the plaintiffs, staying (suspending) the effective date of the Final Rule. The court opted for a limited injunction rather than a nationwide one, focusing the relief on the plaintiffs and their members. As such, the injunction applies specifically to Kansas, Alaska, Utah, and Wyoming, and to the schools attended by members of the Young America’s Foundation, Female Athletes United, and schools attended by children of the members of Moms for Liberty. The Court ordered that the plaintiffs file a notice by July 15, 2024, identifying the specific schools attended by their members or their members’ children. That notice is available for review [online](#).

### **How does this impact Stonehill?**

Stonehill was one of the 670 colleges and universities listed in the notice filed with the Court. This inclusion means that Stonehill is directly affected by the preliminary injunction and must adhere to the Court's order and refrain from implementing the new Title IX regulations which were set to take effect on August 1, 2024.

### **What happens next?**

The most likely next steps in the case may include an appeal to the 10<sup>th</sup> Circuit Court of Appeals by the DOE. The appellate court would review the district court's decision to determine whether the preliminary injunction should be upheld, modified, or overturned. This process could take several months or longer.

In the meantime, Stonehill will comply with the order of the Court and will not implement the new Title IX regulations on August 1, 2024. Instead, the College will maintain its current policies and procedures, which are in compliance with the existing federal regulations and Massachusetts law. The College will continue to closely monitor the progress of the case.