



## Massachusetts Department of Higher Education

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Carlos E. Santiago  
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Chris Gabrieli  
*Board Chairman*

# 610 CMR 14.00: Notice of Comment Period

## **NOTICE OF COMMENT PERIOD**

### **610 CMR 14.00 Coordination with Local Law Enforcement to Prevent and Respond to Sexual Misconduct**

Notice is hereby given pursuant to [M.G.L. c. 30A § 3](#), [M.G.L. c. 6 § 168E \(c\)](#), and [c. 337 Acts 2020 § 2](#) that the Massachusetts Department of Higher Education will open a comment period relative to the adoption of proposed regulations 610 CMR 14.00: Coordination with Local Law Enforcement to Prevent and Respond to Sexual Misconduct.

In January 2021, the Governor signed *An Act Relative to Sexual Violence on Higher Education Campuses*, (Chapter 337 of the Acts of 2020). Generally, this law—commonly referred to as the “2021 Campus Sexual Assault Law”—establishes two new broad sets of requirements for all public and private institutions of higher education located in the Commonwealth and authorized to grant degrees, the second of which is a new requirement that institutions of higher education adopt certain policies, procedures, and reporting requirements with regard to identifying, preventing and responding to sexual misconduct involving students or employees of the institution (codified as a new section 168E to M.G.L. c. 6).

The proposed regulations (610 CMR 14.00) relate exclusively to language embedded in subsection (c) of Section 168E of M.G.L. c. 6, which requires all public and private higher education institutions located in the Commonwealth and authorized the grant degrees, “to the extent feasible,” to enter into memoranda of understanding (MOUs) with local law enforcement agencies regarding the respective roles and responsibilities of the parties in the prevention of and response to on-campus and off-campus sexual misconduct. The 2021 Campus Sexual Assault Law includes a specific timeline on regulation promulgation, mandating the Department of Higher Education (the “Department”) to, “promulgate regulations to implement subsection (c) of Section 168E of chapter 6 of the General Laws not later than August 1, 2021.” Section 2 Chapter 337 of the Acts of 2020.

The proposed regulations seek to establish the minimum, baseline requirements for the statutorily-mandated MOUs, including content criteria; an annual reporting and certification procedure for institutions to inform the Department on their progress in establishing MOUs; and a reporting process for institutions to submit to the Department determinations on the “feasibility” of entering in to MOUs with local law enforcement agencies. Finally, the

regulations require the Department to create and publish an annual report on the status of each institution's compliance with the statutory and regulatory MOU requirements.

The comment period will begin when the proposed regulations are published in the Massachusetts Register on May 28, 2021 and will close three weeks thereafter, on June 18, 2021.

Written comments on the proposed regulations may be submitted at any time prior to 5:00pm on June 18, 2021, by directing the same to the following:

**Email:**

BHERegulationsComments@dhe.mass.edu

**Postal Mail:**

Massachusetts Department of Higher Education  
One Ashburton Place  
Room 1401  
Boston, MA 02108  
Attn: Alexander Nally, Assistant General Counsel

Please submit electronic comments as an attached Word document and type "610 CMR 14.00" in the subject line. All submissions must include the sender's full name and address.

A copy of the proposed regulations, as well as the Department of Higher Education's fiscal effect and small business impact statement, are available on the Department of Higher Education's website ([www.mass.edu](http://www.mass.edu)). Copies may also be obtained by calling Alexander Nally at (617) 994-6955.

For special accommodations for submission of public comments or information regarding submission of public comments in an alternative format, please contact Alexander Nally.