



PERRY COUNTY S C H O O L S

2026-2027 TITLE IX PROCEDURAL MANUAL

1. Introduction and Statement of Nondiscrimination

Perry County Schools is committed to maintaining an educational and work environment free from all forms of sex discrimination. In accordance with Title IX of the Education Amendments of 1972, the District does not discriminate on the basis of sex in its education programs, extracurricular activities, admissions, or employment.

Scope of Protections

Title IX protects students, employees, applicants, and third parties from discrimination based on:

- Sex stereotypes or sex characteristics.
- Pregnancy or related conditions.
- Sexual orientation and gender identity.
- Sexual harassment, sexual assault, domestic/dating violence, and stalking.

2. Title IX Personnel & Contact Information

The District has designated specific administrators to coordinate compliance efforts, manage investigations, and issue determinations.

- **Title IX Coordinator:** Jody Maggard, 606-439-5813
 - Email: jody.maggard@perry.kyschools.us
 - *Role:* Receives reports, coordinates supportive measures, and oversees the grievance process.
- **Investigator(s):** Harvey Colwell, 606-439-5813 email: harvey.colwell@perry.kyschools.us; Johnny Wooton, 606-439-5813 email: johnny.wooton@perry.kyschools.us; Clifford McIntyre, 606-439-5813 email: clifford.mcintyre@perry.kyschools.us; Josh Smith, 606-439-5813 email: joshua.smith@perry.kyschools.us
 - *Role:* Gathers facts, interviews witnesses, and compiles the investigative report.
- **Decision-Maker(s):** Kent Campbell, Superintendent, 606-438-9516
kent.campbell@perry.kyschools.us
 - *Role:* Reviews evidence objectively and issues written determinations on policy violations.
- **Appeals Officer:** [Name(s) or Designated Roles, Email/Phone] TBA
 - *Role:* Evaluates appeals submitted by either party after a decision is finalized.

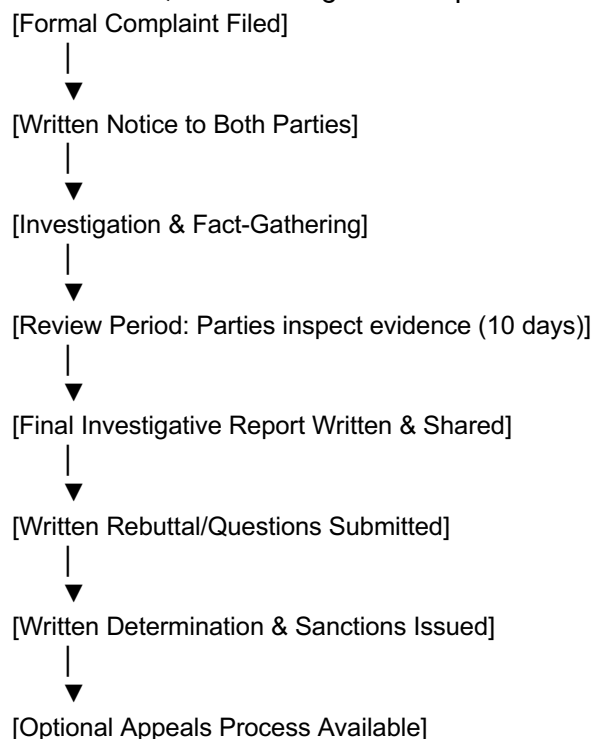
3. Reporting and Actual Knowledge

Unlike higher education, **any K-12 district employee** who receives notice or witnesses potential sex discrimination or harassment is a mandatory reporter. This constitutes "actual knowledge" by the District.

- **Employee Obligation:** Staff must report details to the Title IX Coordinator within **24 hours** or the same school day.
- **How to Report:** Anyone may report verbally, via email, or by using the District Title IX Reporting Form—see **Appendix A**. Reports can be submitted at any time, including non-business hours.

4. Grievance and Investigation Process

Once a formal complaint is filed by a student, parent/guardian, or signed by the Title IX Coordinator, the formal grievance process begins.



Key Stages Explained

1. **Written Notice:** Both the Complainant (alleged victim—**Appendix C**) and Respondent (alleged perpetrator—**Appendix B**) receive a written notification detailing the allegations, the identity of the parties, and notice of their right to an advisor.
2. **Supportive Measures:** The Coordinator must promptly offer non-punitive, individualized supportive measures (e.g., class schedule adjustments, counseling, or no-contact orders) to both parties, free of charge.
3. **The Investigation:** The Investigator gathers physical evidence, electronic logs, and conducts interviews. K-12 districts may use a written question-and-answer format instead of live hearings.

4. **Review of Evidence:** Before the investigative report is finished, both parties must have at least **10 days** to review and respond in writing to all evidence directly related to the allegations.
5. **Investigative Report:** The Investigator creates a report that fairly summarizes relevant evidence. This report is sent to both parties and the Decision-Maker.
6. **Determination:** The Decision-Maker evaluates the case using the **Preponderance of the Evidence** standard (evaluating whether the allegation is more likely true than not) to issue a final written decision with findings of fact and justifications.

5. Appeals Process

Either party may appeal a final determination or a dismissal of a formal complaint. Appeals must be filed in writing with the Appeals Officer within **5 business days** of receiving the decision, based on the following grounds:

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination was made.
- A conflict of interest or bias by the Title IX Coordinator, Investigator, or Decision-Maker.

6. Training and Recordkeeping

- **Mandatory Training:** The District must ensure all Title IX personnel receive comprehensive training on definitions, the scope of operations, impartiality, and report writing. All training materials must be posted publicly on the District Website.
- **Record Retention:** The District must maintain all records regarding reports, formal investigations, supportive measures, and training materials for a minimum of **seven (7) years**.

7. District Policies/Procedures

For any District policies and/or procedures concerning Harassment, Harassment Communications, Harassment Board Policy, Harassment/Discrimination Reporting Form, Title IX Sexual Harassment Policy, Harassment/Discrimination Investigation Appeals Process and the Grievance see **Appendix D**.

Title IX Sexual Harassment & Discrimination Reporting Form

Purpose: This form is utilized to report alleged sex discrimination, sexual harassment, sexual assault, dating/domestic violence, or stalking occurring within the district's educational programs, athletic events, or activities pursuant to Title IX guidelines.

Submission: Return this completed form directly to the **District Title IX Coordinator** via hand-delivery, mail, or email.

I. Reporter Information

(Anonymous reports are permitted under Kentucky guidelines, but may limit the district's ability to fully investigate or offer targeted supportive measures).

- **Full Name:**
- **Your Role:** ☐ Student ☐ Certified Staff ☐ Classified Staff ☐ Parent/Guardian ☐ Visitor
- **Contact Phone:**
- **Email Address:**
- **Assigned School / Workplace Location:**

II. Complainant Information *(The person alleged to be the victim of conduct)*

☐ Check if the Complainant is the same person as the Reporter listed above.

- **Full Name:**
- **Role:** ☐ Student (Grade: _____) ☐ District Employee (Title: _____)
- **Assigned School / Workplace Location:**
- **Parent/Guardian Name *(Required if complainant is a minor student)*:**

III. Respondent Information *(The person alleged to have engaged in the conduct)*

- **Full Name(s):**
- **Role:** ☐ Student (Grade: _____) ☐ District Employee (Title: _____) ☐ Visitor
- **Assigned School / Workplace Location:**

IV. Specific Incident Details

- **Date(s) of Alleged Conduct:**
- **Time(s) of Alleged Conduct:**
- **Exact Location(s):** *(e.g., specific classroom, locker room, bus loop, athletic facility)*

Factual Description of Conduct:

Please describe the specific events, statements, actions, or behaviors that occurred. Include as many details as possible (attach separate sheets or evidence if needed).

V. Witnesses and Documentation

- **Witnesses:** List the names and contact details of anyone who witnessed or has direct knowledge of the alleged incident.
 - Name: _____ Contact/School: _____
 - Name: _____ Contact/School: _____
- **Physical Evidence:** Do you possess text messages, emails, photos, social media screenshots, or physical records related to this report? ☐ Yes ☐ No
 - *If yes, please attach copies securely to this form.*

VI. Certification & Signature By signing below, I certify that the information provided in this report is accurate and true to the best of my knowledge.

Signature of Reporter: _____

Date: _____

Appendix B



Notice of Formal Title IX Complaint and Investigation (RESPONDENT and/or Parent/Guardian)

Office of the Title IX Coordinator

315 Park Ave. Hazard, Ky. 41701

606-439-5813

DATE: VIA: [Insert Delivery Method, e.g., Certified Mail / Hand Delivery / Secure Email]

TO: [Name of Student Respondent] [Name of Parent/Guardian] [Insert Street Address] [City, State, Zip]

RE: Notice of Formal Title IX Complaint and Investigation

Dear [Insert Parent/Guardian Name] and [Insert Student Name]:

This letter serves as official written notification that the [Insert District Name] Public Schools Title IX Office has received and signed a Formal Complaint alleging potential violations of District Title IX Harassment and Discrimination policies. Pursuant to federal Title IX regulations and district board policies, the district is initiating a formal, impartial grievance process to investigate these allegations.

I. Summary of the Allegations Under Investigation

The investigation will evaluate specific factual allegations concerning conduct that reportedly occurred within the district's educational programs or activities:

- **Identity of the Complainant:** [Insert Name of Complainant, or state "Anonymity Requested/Maintained" if applicable under local board rules]
- **Date of Alleged Incident(s):** On or about [Insert Date or Timeline]
- **Specific Location(s):** [Insert Campus Location, e.g., Central High School Gymnasium Corridor]
- **Factual Description of Conduct:** It is alleged that [Insert Student Name] engaged in behavior on the basis of sex that potentially violates district policy, specifically: *[Insert a precise, objective, non-judgmental description of the specific physical, verbal, or digital conduct under investigation].*

II. Constitutional and Procedural Rights of the Respondent

To ensure a fair and equitable process, federal law provides the Respondent with the following explicit protections throughout this grievance process:

1. **Presumption of Non-Responsibility:** The Respondent is presumed **not responsible** for the alleged conduct. A final determination regarding responsibility will only be made at the conclusion

of the grievance process, after all evidence has been fully evaluated by an independent Decision-Maker.

2. **Right to an Advisor:** Both parties have the right to be accompanied to any meeting, interview, or hearing by an **advisor of their choosing**. This advisor may be a parent, guardian, trusted adult, or legal counsel, though an attorney is not required.
3. **Right to Inspect and Review Evidence:** Prior to the completion of the final investigative report, you and your chosen advisor will be granted an equal opportunity to inspect, review, and respond in writing to all evidence directly related to the allegations collected during the investigation. You will be provided a minimum of ten (10) calendar days to submit a written response.
4. **Code of Conduct Standards:** District Policy [Insert Student Code of Conduct Policy Number] strictly prohibits any individual from knowingly making false statements or purposefully submitting false information during a formal administrative investigation.

III. Implementation of Supportive Measures

To maintain a safe, stable, and non-hostile educational environment for all parties involved, the district has authorized the implementation of immediate, non-punitive **Supportive Measures**. These measures are designed to restore or preserve equal educational access without unreasonably burdening either party. Effective immediately, the following measures are in place:

- **No-Contact Directive:** [Insert Student Name] is prohibited from having any direct or indirect communication (including verbal, physical, written, electronic, or third-party communication) with the Complainant.
- **Academic/Schedule Adjustments:** [Insert any class or schedule modifications, e.g., Change of 3rd-period classroom assignment].
- **Transportation/Campus Measures:** [Insert any physical or transit modifications, e.g., Adjusted school bus seating or staggered dismissal times]. *Note: These measures are confidential, non-disciplinary, and do not constitute a finding of fault.*

IV. Immediate Next Steps and Timeline

The district's assigned Title IX Investigator, [Insert Name of Investigator], will contact you shortly to schedule an initial investigative interview. You will receive a separate, specific **Notice of Interview** detailing the exact date, time, and location of that meeting with sufficient advance notice to allow you and your advisor time to prepare.

Please review the attached copy of [Insert District Policy Reference, e.g., Board Policy 09.42811], which details our complete Title IX Grievance Procedures. If you have any questions regarding these rights, the supportive measures, or the timeline of this investigation, please do not hesitate to contact my office directly.

Sincerely,

District Title IX Coordinator

[Insert District Name], Perry County Schools

Appendix C



Notice of Formal Title IX Complaint and Investigation (Complainant Copy)

Office of the Title IX Coordinator

315 Park Ave. Hazard, Ky. 41701

606-439-5813

DATE: [Insert Date]

VIA: [Insert Delivery Method, e.g., Certified Mail / Hand Delivery / Secure Email]

TO: [Name of Student Complainant] [Name of Parent/Guardian] [Insert Street Address]

[City, State, Zip]

RE: Notice of Formal Title IX Complaint and Investigation

Dear [Insert Parent/Guardian Name] and [Insert Student Name]:

This letter serves as official written notification that the [Insert District Name] Public Schools Title IX Office has officially received and signed the Formal Complaint regarding allegations of potential violations of District Title IX Harassment and Discrimination policies. Pursuant to federal Title IX regulations and district board policies, the district has initiated a formal, impartial grievance process to investigate these allegations. A matching notice of this investigation has been concurrently issued to the Respondent.

I. Summary of the Allegations Under Investigation

The investigation will evaluate specific factual allegations concerning conduct that reportedly occurred within the district's educational programs or activities:

- **Identity of the Respondent:** [Insert Name of Student Respondent]
- **Date of Alleged Incident(s):** On or about [Insert Date or Timeline]
- **Specific Location(s):** [Insert Campus Location, e.g., Central High School Gymnasium Corridor]
- **Factual Description of Conduct:** It is alleged that the Respondent engaged in behavior on the basis of sex that potentially violates district policy, specifically: [Insert a precise, objective, non-judgmental description of the specific physical, verbal, or digital conduct under investigation].

II. Procedural Rights of the Complainant

To ensure a fair, equitable, and supportive process, federal law provides you as the Complainant with the following explicit protections throughout this grievance process:

- **Right to an Advisor:** You have the right to be accompanied to any meeting, interview, or hearing by an advisor of your choosing. This advisor may be a parent, guardian, trusted adult, or legal counsel.
- **Right to Inspect and Review Evidence:** Prior to the completion of the final investigative report, you and your chosen advisor will be granted an equal opportunity to inspect, review, and respond in writing to all evidence directly related to the allegations collected during the investigation. You will be provided a minimum of ten (10) calendar days to submit your written response.
- **Equitable Treatment:** The grievance process will remain strictly impartial. The Investigator and independent Decision-Maker will evaluate all inculpatory and exculpatory evidence objectively before making a final determination of responsibility.
- **Code of Conduct Standards:** District Policy [Insert Policy Number] strictly prohibits any individual from knowingly making false statements or purposefully submitting false information during a formal administrative investigation.

III. Implementation of Supportive Measures

To maintain a safe, stable, and welcoming educational environment for you, the district has authorized the implementation of immediate, non-punitive Supportive Measures. These measures are designed to preserve your equal access to education.

Effective immediately, the following measures have been coordinated on your behalf:

- **No-Contact Directive:** The Respondent is strictly prohibited from having any direct or indirect communication (including verbal, physical, written, electronic, or third-party communication) with you.
- **Academic/Schedule Adjustments:** [Insert any class or schedule modifications, e.g., Change of 3rd-period classroom assignment or testing accommodations].
- **Transportation/Campus Measures:** [Insert any physical or transit modifications, e.g., Adjusted school bus seating or staggered dismissal times]. *Note: These measures are confidential, protective, and non-disciplinary. Please contact this office immediately if the Respondent violates the No-Contact Directive, or if these adjustments need to be modified.*

IV. Immediate Next Steps and Timeline

The district's assigned Title IX Investigator, [Insert Name of Investigator], will contact you shortly to schedule your initial investigative interview. You will receive a separate, specific Notice of Interview detailing the exact date, time, and location of that meeting with sufficient advance notice to allow you and your advisor time to prepare.

Please review the attached copy of [Insert District Policy Reference, e.g., Board Policy 09.42811], which details our complete Title IX Grievance Procedures. If you have any questions regarding your rights, the supportive measures, or the timeline of this investigation, please do not hesitate to contact my office directly.

Sincerely,

District Title IX Coordinator [Insert District Name], Perry County Schools

Appendix D



525.070 Harassment

- (1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
- (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact;
 - (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact;
 - (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;
 - (d) Follows a person in or about a public place or places;
 - (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
 - (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
 - 1. Damages or commits a theft of the property of another student;
 - 2. Substantially disrupts the operation of the school; or
 - 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.
- (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation.
- (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 125, sec. 4, effective July 15, 2008. -- Amended 1996 Ky. Acts ch. 345, sec. 3, effective July 15, 1996. -- Created 1974 Ky. Acts ch. 406, sec. 217, effective January 1, 1975.

Appendix D

525.080 Harassing communications.

1. A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
 - a. Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of electronic or written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;
 - b. Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
 - c. Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
2. Harassing communications is a Class B misdemeanor.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 99, sec. 1, effective July 15, 2016. -- Amended 2008 Ky. Acts ch. 125, sec. 5, effective July 15, 2008. -- Created 1974 Ky. Acts ch. 406, sec. 218, effective January 1, 1975.

Appendix D

STUDENTS

09.42811

Harassment/Discrimination

Definition

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Disciplinary Action

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

Guidelines

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Superintendent/designee may take interim measures to protect complainants during the investigation.

Appendix D

STUDENTS

09.42811

(Continued)

Harassment/Discrimination

Guidelines (continued)

2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.

3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following: written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

4. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and

5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

Notifications

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.) In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;

Appendix D

STUDENTS

09.42811

(Continued)

Harassment/Discrimination

Prohibited Conduct (continued)

3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

False Complaints

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

Appendix D

STUDENTS

09.42811

(Continued)

Harassment/Discrimination

References:

¹

[KRS 158.156](#)

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions;

Investigative Guidance (U.S. Department of Education)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights

Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

Related Policies:

03.162; 03.262

09.13; 09.2211; 09.227

09.422; 09.426; 09.438

Adopted/Amended: 10/22/2015

Appendix D

STUDENTS

09.42811 AP.2

Harassment/Discrimination Reporting Form

This form provides the opportunity for a student or parent to report violation(s) of Board Policy 09.42811 and to secure an equitable and prompt resolution. This procedure shall be implemented in compliance with Board Policy 09.42811 and shall be used to document all complaints, whether addressed informally or formally.

Student's Name _____		
Last Name		First Name
Middle Initial		
Student's Address _____		
City		State
Zip Code		
Student's Age _____	Date of Birth _____	Student's Phone Number _____
School _____	Grade _____	Homeroom/Classroom _____
Name of Parent/Guardian _____		Daytime Phone # _____

Confidentiality

Information regarding an investigation of alleged harassment/discrimination shall be kept confidential to the extent possible. Individuals involved in the investigation shall not discuss information regarding the complaint outside of the investigation process.

Harassment/Discrimination Complaint (Use additional sheets if necessary.)

Date(s)/approximate time of the alleged incident(s): _____

Place alleged incident (s) occurred: _____

What type of harassment or discrimination was involved in the alleged incident?

☐ sexual ☐ racial ☐ on the basis of national origin ☐ on the basis of disability

☐ other type of harassment/discrimination? If other, specify:

Name of person you believe is guilty of harassment or discrimination: _____

Position (if employee): _____ Grade (if student): _____ Other (specify) _____

If the alleged behavior was directed toward another person, name that person: _____

Describe the alleged incident as clearly as possible, including such information as verbal statements (i.e. slurs, threats, other verbal or physical abuse or prohibited requests), what physical contact, if any was involved, what force, if any was used.

List any witnesses to these events: _____

Please attach any exhibits or other tangible evidence (i.e., notes).

What results are you seeking by filing this form? _____

I agree that all information reported here is complete, accurate and true to the best of my knowledge and affirm that I honestly believe that the person named harassed or discriminated against me or another person.

_____ <i>Signature of Student</i>	_____ <i>Date</i>
_____ <i>Signature of Parent/Guardian (not required)</i>	_____ <i>Date</i>
_____ <i>Received by</i>	_____ <i>Date</i>

NOTE:

Students/parents wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District's school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, program.intake@usda.gov.

http://www.ascr.usda.gov/complaint_filing_cust.html

Appendix D

PERSONNEL

03.1621

- Certified Personnel -

Title IX Sexual Harassment

Introduction and Scope

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as “Title IX Sexual Harassment”). In addition to numerous other matters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a “formal complaint”) before there is a determination that an employee is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not descend to the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a “program or activity” of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending party cannot be the subject of investigation or discipline on grounds other than “Title IX Sexual Harassment” as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does fall within the definition of “Title IX Sexual Harassment.”¹

Prohibition

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

Grievance Procedure

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equitably as required by Federal Regulation.²

Definitions

Title IX Sexual Harassment

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity;

(Continued)

Title IX Sexual Harassment

Definitions (continued)

Title IX Sexual Harassment (continued)

3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). For purposes of this definition, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.³

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Consent

“Consent” means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed.

Only a complainant who is participating or attempting to participate in the District's educational programs or activities may file a formal complaint.

Respondent

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

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PERSONNEL

03.1621

(Continued)

Title IX Sexual Harassment

Definitions (continued)

Title IX Coordinator (TIXC)

The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use co-coordinators and/or deputy coordinators.

Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not “the complainant” or otherwise considered a party, but is to comply with applicable procedures.

Supportive Measures

“Supportive measures” mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreasonably burdensome on a respondent, changes in work or housing locations, authorized leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

Education Program or Activity

“Education program or activity” means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Preponderance of the Evidence

“Preponderance of evidence” means evidence that is of greater weight or more convincing than an asserted fact or facts occurred than evidence in opposition to such facts. It is evidence which as a whole shows that an assertion to be proven is more likely than not.

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(Continued)

Title IX Sexual Harassment: Regulation and Policy Does Not Affect Parent Rights

Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

Segregation of Functions / Conflict of Interest

The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution functions must be performed by different trained individuals, who may be District employees or contractors.

Confidentiality

With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERPA⁵, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.

Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspection and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERPA definition of “education records” a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning.⁴

Employees Shall Report

Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse Policy 09.227 or a reportable criminal offense Policy 09.2211, notification of state officials shall be made as required by law.⁶

False Reports Prohibited

Employees or students who intentionally make false reports related to the District’s administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the Code of Acceptable Behavior and Discipline.

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PERSONNEL (Continued)

03.1621

Title IX Sexual Harassment

Related Evidence Rules Summary

The following rules apply to the District investigation and grievance process under the Title IX Sexual Harassment regulation:

- a) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- b) The District cannot access, consider, disclose, or otherwise use a party's records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.
- c) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

Retaliation Prohibited

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

References:

²34 C.F.R. § 106.45

³[KRS 510.020](#)

⁴85 Fed. Reg. 30433 (May 19, 2020)

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106

Clery Act (20 U.S.C. §1092(f)(6)(A)(v))

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v))

Tennessee v. Cardona, 737 F.Supp.3d 510 (E.D. Ky., 2024)

34 U.S.C. § 12291(a)(10)

34 U.S.C. §12291(a)(3)

34 U.S.C. §12291(a)(8)

Related Policies:

¹03.162; 03.262; 09.42811

⁵09.14 ⁶09.227; 09.2211, 03.2621; 09.428111 Adopted/Amended: 9/15/2020 Order #: 20

Appendix D

STUDENTS

09.4281 AP. I

Grievance Procedures

Students wishing to initiate a harassment/discrimination complaint should use procedure 09.42811 AP.2.

CONDITIONS

1. All grievances are individual in nature and must be brought by the individual grievant.
2. All grievance proceedings shall be conducted outside the regular school day and at a time and place mutually agreed upon.
3. The grievant shall be permitted to have not more than two (2) representatives.
4. All attendant records shall be filed in the office of the Principal and/or Superintendent and shall be considered private information and separate from the student's educational records. All records will be kept for a minimum of three (3) years.
5. No reprisal shall be taken against any aggrieved student because of the filing of a grievance.

TIME LIMITS

1. Students or their parents must file their grievance within fifteen (15) school days following the alleged violation. However, depending on the nature of the grievance, the Superintendent may recommend an extension of the filing deadline to twenty (20) school days if the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.
2. Days referred to in the grievance initiation form shall be school days.
3. The time limits stated in various sections of these procedures may be extended by mutual consent of the Board, its authorized agents, and the grievant.
4. If no extension occurs and the grievant does not file an appeal to the next level within five (5) school days of receiving a response, the grievance shall be considered to have been settled and terminated at the previous level, and the answer given at that level shall stand.

PRINCIPAL'S/SCHOOL COUNCIL'S INVOLVEMENT

1. When appropriate, the grievant shall give his/her communication directly to the Principal, thus bypassing the teacher or other employee. This action shall be taken only in those instances where the matter communicated is of such a personal and private nature that it cannot be effectively communicated at a lower level or in those instances where the nature of the grievance would require the initial response of the Principal.
2. The Principal reserves the right to redirect the communicator to the appropriate level and/or consult with the council, as appropriate.

SUPERINTENDENT'S/DESIGNEE'S INVOLVEMENT

1. When appropriate, the grievant shall give his/her communication directly to the Superintendent, thus bypassing the Principal. This action shall be taken only in those instances where the matter communicated is of such a personal and private nature that it

cannot be effectively communicated at a lower level or in those instances where the nature of the grievance would require the initial response of the Superintendent.

2. The Superintendent reserves the right to redirect the communicator to the appropriate level.

Appendix D

STUDENTS

09.4281 AP. I

(CONTINUED)

Grievance Procedures

BOARD OF EDUCATION'S INVOLVEMENT

1. If the student, after reviewing the Superintendent's response, desires direct communication with the Board of Education, the student may present his/her written communication to the Superintendent for transmittal to the Board of Education, or notify the Superintendent five (5) school days prior to the meeting of the Board at which the student wishes the grievance presented. Students contacting Board members individually about a grievance shall be advised to communicate with the entire Board.

2. If the Board decides to review the grievance, the student will then be afforded an opportunity to appear before the Board at the next regular meeting for relevant discussion of the student's communication. If the student does not wish to make a verbal presentation, the student's right to refrain from such activity will be respected.

3. The Superintendent or the grievant shall present the communication to the Board of Education at its next regularly scheduled meeting.

4. The Board of Education will consider the grievance, and will provide the student a written response within five (5) school days after the next regularly scheduled meeting of the Board, following the meeting of the Board at which the grievance was initially presented. The decision of the Board of Education shall be final.

NOTE:

Students/parents wishing to initiate a complaint about a Title I issue should refer to Procedure 08.13451 AP. 1 .

RELATED PROCEDURES:

08.13451 AP.I

09.42811 AP.2

Review/Revised: 10/22/2015