



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
DELAWARE
KENTUCKY
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WEST VIRGINIA

September 1, 2021

Dr. Bondy Shay Gibson
Superintendent
Jefferson County Schools
110 Mordington Avenue
Charles Town, WV 25414

Via email only: bondy.gibson@k12.wv.us

Re: OCR Complaint No. 03-19-1290

Dear Dr. Gibson:

This is to notify you that we have reached a determination in the complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against the Jefferson County Schools (the District). XXXXXXXXXXXX, who filed this complaint, will be referred to as the Complainant. The complaint was filed on behalf of his XXXXXXXXXXXXXXXXXXXX, who attended XXXXXXXXXXXXXXXXXXXX (the School). We will refer XXXXXXXXXXXXXXXXXXXX as the Student for the remainder of this letter. The Complainant alleged that the District discriminated against the Student on the basis of sex when it failed to respond promptly and equitably to a report that the Student was sexually assaulted XXXXXXXX.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX and its implementing regulations. An amended Title IX regulation went into effect on August 14, 2020 and can be viewed [here](#). However, the Title IX regulation in effect at the time of the underlying events associated with the above-referenced complaint serves as the basis for OCR's determination in this matter, which is available [here](#). For more information about Title IX, including the new Title IX regulation and related resources, visit OCR's website at <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>.

In reaching a determination, OCR considered information provided by the Complainant and the District. Additionally, OCR conducted interviews with the Complainant and with District personnel. After carefully considering all the information obtained during the investigation, OCR determined that there is sufficient evidence to support a violation of Title IX with respect to the allegation in this complaint. The basis for OCR's decision is explained below.

The Title IX regulation contains a number of procedural requirements. At the time of the incident in this case, the Title IX regulations included a requirement under 34 C.F.R. § 106.8(b) for recipients to adopt and publish procedures that provide for the prompt and equitable

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Elizabeth Cavallucci at 215-656-6939 or elizabeth.cavallucci@ed.gov.

Sincerely,

/s/

Melissa M. Corbin
Team Leader
Philadelphia Office

Cc: Tracey Eberling, Esq.

Sent via email only to: Tracey.Eberling@Steptoe-Johnson.com

Attachments