



regulation, at 34 C.F.R. § 106.31, provides generally that, except as provided elsewhere in the regulation, no person shall on the basis of sex be excluded from participation in, denied the benefits of, or subjected to discrimination in education programs or activities operated by recipients of federal financial assistance.

Under Title IX, recipients that receive federal financial assistance are responsible for providing students with a nondiscriminatory educational environment. Sexual harassment is a form of sex discrimination prohibited by Title IX. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexual harassment of a student creates a hostile environment if it is so severe, persistent, or pervasive that it denies or limits a student’s ability to participate in or benefit from the recipient’s program or activities.

Once a recipient knows of possible sexual harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. A recipient must take prompt and effective steps reasonably calculated to end the harassment, prevent the harassment from recurring and, as appropriate, remedy its effects.

**Allegation 1: Title IX Policy Publication**

Pursuant to Section 108(k) of OCR’s CPM, OCR will dismiss a complaint allegation when the allegation is resolved. The Complainant alleged that the District failed to adopt and publish grievance procedures for resolving complaints under Title IX. The District has a Harassment/Discrimination policy (Policy) that covers sex discrimination, as well as other types of discrimination. When OCR first opened this complaint, it had preliminary concerns about whether the Policy the District adopted was prominently published, pursuant to the requirements 34 C.F.R. §§ 106.9. Initially, OCR made multiple attempts to search the website, but was unable to find the Policy online.

The District then provided OCR with a direct link to the Policy. On July 21, 2020, the District updated its District homepage to make it easier to locate the Policy. OCR confirmed that the Policy is now published and accessible via a “Title IX Sexual Harassment/Discrimination” link under the “About PCS” tab on the District website. Because the District has adopted and published its Title IX Policy, OCR is dismissing Allegation 1 under Section 108(k) of OCR’s CPM as of the date of this letter.

**Allegation 2: District’s Response XXXXXXXXXXXXXXXX**

XX – Paragraphs Redacted – XX

**Conclusion**

Pursuant to Section 302 of OCR’s *Case Processing Manual*, the District signed the enclosed Resolution Agreement on May 19, 2021 which, when fully implemented, will resolve the concerns identified in Allegation 2 of this complaint. The provisions of the Agreement are aligned with the issues raised by the Complainant and the information discussed above that was obtained during OCR’s investigation, and are consistent with applicable law and regulation. OCR will monitor the District’s implementation of the Agreement.

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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

We appreciate the District’s cooperation in the resolution of this complaint. If you have any questions, please contact Catherine Deneke, the OCR attorney assigned to this complaint, at 215-656-5964 or [Catherine.Deneke@ed.gov](mailto:Catherine.Deneke@ed.gov).

Sincerely,

/s/

Christina M. Haviland  
Supervisory Attorney

cc: Neal Smith, [neal.smith@pike.kyschools.us](mailto:neal.smith@pike.kyschools.us)

Enclosure