



# KSBA

KENTUCKY SCHOOL BOARDS  
ASSOCIATION

Ronnie Holmes,  
President

Kerri Schelling,  
Executive Director

July 28, 2020

Dear Superintendent/Policy Contact:

Enclosed are the new Title IX Sexual Harassment Interim Update policies, related procedures and checklists. Proposed changes reflect new legal requirements.

On May 19, 2020, the United States Department of Education published an extensive new regulatory amendment focusing on Title IX Sexual Harassment. The regulation sets forth specific definitions and requirements covering the Title IX grievance process. **The regulation is effective August 14.** In addition to the grievance process, the regulation requires new training, notices, and record keeping, among other requirements.

Please note the following points:

**“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;**
- 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).**

**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 Title IX Coordinator (TIXC).**

The update checklist is the only document we need returned to us, unless there are drafts to be modified. Complete the checklist and return to the KSBA Policy Service as soon as possible so that final copies can be returned to you for use during the upcoming school year.

The KSBA Policy Service appreciates the opportunity to serve your District and stands ready to assist the Board with this important task.

Note the approved changes go into effect as of the date of Board approval, unless otherwise noted in your Board meeting minutes.

Sincerely,

***Your KSBA Policy Staff***

Enclosures