

**From:** (b)(6)  
**Sent:** Fri, 11 Jun 2021 12:47:48 -0500  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing  
**Attachments:** Title IX Memo on changing the regulations.docx

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Kanawha County Title IX Coordinator/Investigator

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**KANAWHA COUNTY BOARD OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL  
MEMORANDUM**

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**TO:** UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHT AND TO WHOMEVER ELSE IT MAY CONCERN

**FROM:** LINDSEY D.C. MCINTOSH

**SUBJECT:** ISSUES WITH THE CURRENT TITLE IX REGULATIONS

**DATE:** JUNE 10, 2021

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Below, is Kanawha County Schools analysis of issues that are caused by the new regulations and comments on how to remedy them. Overall, our experience with the regulations, which is likely to be the same as any K-12 school system's experience, is that they were not written with the K-12 structure in mind.

- A. The first, and the biggest issue that this District has with these new regulations is the length of time that the whole process takes before final action/closing out the issue or discipline can be administered.**

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Additionally, a process that previously took a two to three staff members to investigate decided now takes several levels of administration to address, since the law requires that each new step essentially requires and new person.

**B. The second issue with the new regulations is the definition for “sexual harassment” is extremely complex and vague in ways.**

Sexual harassment in schools previously was defined as “unwanted and unwelcome behavior of a sexual nature that interferes with the right to receive an equal educational opportunity.” The definition now is far more complex, and in ways is more of a definition that covers criminal activity than activity that is unwelcomed and inappropriate and which also interferes with your ability to receive an education. The new definition of sexual harassment under the regulations is, conduct on the basis of sex that satisfies one or more of the following:

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**Conclusion**

Most of the issues that we have found with the regulations can be solved with a rewrite of the process, which is overly burdensome for K-12 districts; who most of the time have direct evidence or witnesses, and limited human resources to get through the multi-level process efficiently. The process is also too long and places the school environment in a precarious situation while all the hoops are being jumped through. Additionally, the definition covers too many aspects that are not needed for K-12 schools to consider if there was an unwanted, unwelcomed, sexual behavior. Please reconsider these regulations.

**From:** SAMANTHA D FERRELL-HILL  
**Sent:** Fri, 11 Jun 2021 13:46:28 -0400  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing  
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Samantha Ferrell-Hill  
Title IX Coordinator/Investigator  
304-348-1379

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**From:** Kimberly L Harper  
**Sent:** Fri, 11 Jun 2021 14:21:39 -0400  
**To:** T9PublicHearing  
**Subject:** Fwd: Written Comment: Title IX Public Hearing  
**Attachments:** Title IX Memo on changing the regulations.docx

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Kimberly Harper  
Paralegal  
Office of General Counsel  
Kanawha County Board of Education  
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Charleston, WV 25311  
(304) 348-7798  
[kimberlyharper@mail.kana.k12.wv.us](mailto:kimberlyharper@mail.kana.k12.wv.us)

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MEMORANDUM**

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**Sent:** Fri, 11 Jun 2021 14:14:29 -0400  
**To:** T9PublicHearing  
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Former Title IX Coordinator for Kanawha County Schools Charleston, WV

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