

SEXUAL HARASSMENT

I. Policy Statement

The Cooperative does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. The Cooperative is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the Cooperative may be referred to the Cooperative's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. (34 CFR § 106(b)(1))

The Cooperative is committed to a school environment which is free from sexual harassment and conducive to all students' educational opportunities. Sexual harassment can inhibit a student's educational opportunities and an employee's work. Sexual harassment of students attending Cooperative schools or students from other schools who are at a Cooperative activity, and sexual harassment of school employees, school volunteers, parents, guests, visitors and vendors of the Cooperative shall also not be tolerated and is strictly prohibited.

All students, school employees, school volunteers, parents, guests, visitors and vendors shall conduct themselves in a civil and responsible manner and in a manner consistent with school policies. This policy prohibiting sexual harassment shall apply to all students, school employees, school volunteers, parents, guests, visitors and vendors while on school property, while attending or participating in school activities, on school-owned property or on non-school property, while in any school-owned or leased vehicle, while at a school bus stop, or when in a private vehicle located on school property during school or during school activities.

II. Sexual Harassment Defined

Federal law (34 CFR § 106.30) defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the cooperative conditioning the provision of an aid, benefit, or service of the cooperative on an individual's participation in unwelcome sexual conduct;
- B. 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 recipient's education program or activity; or
- C. "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).

Sexually oriented words and actions which tend to annoy, alarm or be physically or verbally abusive toward another person and which serve no legitimate or valid purpose regardless of the intent of the person accused of the sexually harassing conduct, constitutes sexual harassment. Not all harassment falls within the definition of sexual harassment (i.e., harassment that is of a sexual nature). Other laws, regulations and policies also prohibit inappropriate conduct and provide a means for addressing inappropriate conduct should it occur.

Sexual harassment is a specific type of harassment which is prohibited under this policy. Examples of sexual harassment include, but are not limited to:

- o Unwelcome sexual flirtations, advances or propositions;
- o Verbal comments, jokes, or abuse of a sexual nature;
- o Graphic verbal comments about an individual's body;
- o Sexually degrading words used to describe an individual;
- o Displaying pornographic material;
- o Physical contact or language of a sexually suggestive nature.

III. Sexual Harassment Reporting Procedure

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Any student who believes that he or she has been or is being subjected to sexual harassment or has reason to suspect another person has been or is being subjected to sexual harassment may also report it to a teacher, guidance counselor, or school administrator. The report may be made verbally or in writing.

The Cooperative's response shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with Title IX requirements before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

Regardless of whether a formal complaint is filed, should the Cooperative have actual knowledge of sexual harassment in a Cooperative educational program or activity against another person in the United States, the Cooperative shall respond promptly in a manner that is not deliberately indifferent (i.e., if the Cooperative's response to sexual harassment is clearly unreasonable in light of the known circumstances).

IV. Designation of Title IX Coordinator

The Board has designated the following Cooperative employee to coordinate its efforts to comply with its responsibilities as set forth in 34 CFR Part 106, who shall be referred to as the "Title IX Coordinator."

Name or Title: Human Resources Manager
Office Address: 715 E 14th St, Sioux Falls, SD 57104
Email Address: employment@teachwell.org
Telephone Number: 605-367-7680

The Cooperative shall notify applicants for employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Cooperative, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

V. Dissemination of Policy

The Cooperative shall notify persons entitled to the notification under Section I. above that the Cooperative does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and this policy not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the Cooperative may be referred to the Cooperative's Title IX Coordinator, to the U.S. Assistant Secretary of Education, or both.

The Cooperative shall prominently display the contact information required to be listed for the Title IX Coordinator on its website, and in each handbook or catalog that it makes available to persons entitled to a notification pursuant to Section I. above.

VI. Definitions

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the

Cooperative's Title IX Coordinator or any official of the Cooperative who has authority to institute corrective measures on behalf of the Cooperative, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability (when a person has a particular legal relationship to the person who acted negligently) or constructive notice (deeming notice of something to a person having been given, even though actual notice did not exist) is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Cooperative.

- B. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. "Dating violence" means violence committed by a person:
 - 1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. the length of the relationship.
 - b. the type of relationship.
 - c. the frequency of interaction between the persons involved in the relationship.
- D. "Decision-maker" means the school administrator who has primary responsibility and authority related to students, staff and attendance center where the alleged sexual harassment occurred, unless otherwise designated by the Board, and who has the authority to make a determination on the complaint as to responsibility of the respondent.
- E. "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.
- F. "Education program or activity" includes locations, events, or circumstances over which the Cooperative exercised substantial control over both the respondent and the context in which the sexual harassment occurs.
- G. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Cooperative investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the Cooperative. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the Cooperative.
- H. "Document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Cooperative) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Should the Title IX Coordinator sign the formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and the Title IX Coordinator must comply with the Title IX requirements.

- I. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
- J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- K. "Sexual assault" means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.
- L. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. fear for his or her safety or the safety of others; or
 - b. suffer substantial emotional distress.
- M. "Supportive measures" means 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. Such measures are designed to restore or preserve equal access to the Cooperative's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Cooperative's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escorting the complainant while on Cooperative property or while a Cooperative off-campus activity, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

VII. Process for Addressing Formal Complaints of Sexual Harassment

A. General Provisions

1. Upon receipt of a report of possible sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
2. If the accusations include possible criminal activity such as molestation, sexual battery, or similar contact, the Cooperative Director shall comply with all mandatory state reporting requirements including, but not limited to, contact with the State Department of Social Services.
3. The timeframes set forth under this policy shall be considered as a maximum length of time within which the related step is to be completed, however, the time frames may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party's advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.
4. Nothing in Title IX regulations or this policy prohibits the Cooperative from removing a respondent from the Cooperative's education program or activity on an emergency basis, provided that the Cooperative undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal, however,

nothing in Title IX regulations or this policy may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the Title IX regulations or this policy prohibits the Cooperative from placing an employee respondent on administrative leave during the pendency of a grievance process, however, nothing in Title IX regulations or this policy may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

5. No individual designated by the Cooperative as a Title IX Coordinator, investigator, decision-maker, or any person designated by the Cooperative to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
6. The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the Cooperative's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
 - a. The decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
 - b. The investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
 - c. No materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, may rely on sex stereotypes, and training materials must promote impartial investigations and adjudications of formal complaints of sexual harassment.
7. Until a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed to not be responsible for the alleged conduct.

B. Confidentiality

1. The Cooperative shall keep confidential from non-interested parties 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 by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
2. The Cooperative shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Cooperative to provide the supportive measures.

C. Informal Resolution

1. The Cooperative may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy.
2. The Cooperative may not require the parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a formal complaint is

- filed.
3. At any time prior to reaching a determination regarding responsibility, the Cooperative may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Cooperative:
 4. provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided; however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
 5. obtains the parties' voluntary, written consent to the informal resolution process; and
 6. does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- D. Formal Complaint
1. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known:
 - a. Notice of the Cooperative's grievance process, including any informal resolution process.
 - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the Cooperative's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 2. The Cooperative shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the Cooperative's education program or activity.
 3. The Cooperative shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- E. Investigation of a formal complaint
1. The Cooperative must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the Cooperative's education program or activity, or did not occur against a person in the United States, then the Cooperative must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment, however the dismissal does not preclude action under another provision of the Cooperative's code of conduct.

2. Unless the nature of the complaint and investigation dictate otherwise, complete the investigation within sixty (60) calendars of receipt of the complaint
3. When investigating a formal complaint and throughout the grievance process, the Cooperative:
 - a. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination, and the parties shall not have either burden;
 - b. cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Cooperative obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an "eligible student," (i.e., student who has reached 18 years of age), the Cooperative must obtain the voluntary, written consent of a "parent," (i.e., natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian);
 - c. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
 - d. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided, however, nothing in this provision prohibits the Cooperative from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
 - e. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the Cooperative may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
4. There shall be an objective evaluation of all relevant evidence, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
5. If, in the course of an investigation, the Cooperative decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision A in this section, the Cooperative shall provide notice of the additional allegations to the parties whose identities are known.
6. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
8. Prior to completion of the investigative report, the Cooperative must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must be given at least ten (10) calendars days to submit a written

- response, which the investigator will consider prior to completion of the investigative report.
9. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to time prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

F. Determination

1. The decision maker shall not be the same person as the Title IX Coordinator or investigator(s).
2. After the Investigator has sent the investigative report to the parties, and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. All parties shall have ten (10) calendar days from the date the investigatory report was sent to the parties to submit written, relevant questions to the decision-maker, who shall forward the questions to the other party following the ten (10) period, unless all parties submitted questions prior to the end of the ten (10) day period and in such case the decision-maker shall forward the questions upon receipt of questions by all parties. All parties shall have (5) calendar days to submit to the decision-maker and the other parties any written responses to the questions.
3. The decision-maker shall have fourteen (14) calendar days, after the expiration of time frame set forth in E.9. above, to issue a written determination as to the complaint.
4. The decision-maker shall not conduct an adversarial hearing unless the Board conducts a hearing following an appeal of the Superintendent's decision to the Board, or following the Superintendent's recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled or recommend to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated.
5. The decision maker will utilize the preponderance of the evidence standard to issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written determination will be sent simultaneously to all parties, along with information about how to file an appeal.
6. The determination regarding responsibility becomes final either on the date that the Cooperative provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
7. The decision maker may make a recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled. The decision maker may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the Cooperative be terminated. Should a recommendation for termination of employment of a teacher be given by the decision maker, the teacher will have the right to request a formal hearing before the Board pursuant to South Dakota law. Non-teaching staff may appeal in writing to the Cooperative Board for a review of his/her case within 10 days of notice of the decision to suspend or terminate his/her employment pursuant to Policy GDPD.

G. Disciplinary Sanctions

Following any determination of responsibility, the Cooperative may implement disciplinary sanctions and remedies that include, but are not limited to:

1. If a student – loss of privileges, detention, in-school suspension, long-term suspension, removal from the program.
2. If an employee – written reprimand, written plan of improvement, suspension without pay, termination of employment.
3. If a guest or vendor – restricted access or denial of access to school property.

VIII. Appeal

A. Both parties have the right to appeal to the Board the decision maker's determination regarding responsibility, and also from a dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. Requests for appeal must be submitted in writing to the Title IX Coordinator within ten (10) calendar days from the receipt of the decision.

C. Upon receipt of the request for appeal, the Title IX Coordinator shall:

1. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. ensure that the decision-maker(s) for the appeal complies with the standard of evidence as required in this policy;
4. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. ensure that a written decision is issued describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

D. The Board shall conduct a hearing in executive session within thirty (30) days of an appeal being filed with the board and shall render its written decision within twenty (20) calendars of the hearing.

IX. Consolidation of Formal Complaints

The Cooperative may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one

respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable

XII. Dismissal of a Formal Complaint.

- A. The Cooperative may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
 - 1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - 2. the respondent is no longer enrolled in or employed by the Cooperative; or specific circumstances prevent the Cooperative from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- B. Upon dismissal, the Cooperative shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

XIII. Recordkeeping

- A. The Cooperative shall maintain for a period of seven years records of:
 - 1. each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient’s education program or activity;
 - 2. any appeal and the result therefrom;
 - 3. any informal resolution and the result therefrom; and
 - 4. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Cooperative will make these training materials publicly available on its website.
- B. For each response required under XII.A., the Cooperative shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient’s education program or activity. If the complainant is not provided with supportive measures, the Cooperative shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

XIV. Retaliation Prohibited

- A. Neither the Cooperative 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 this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- B. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this policy, constitutes retaliation.
- C. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination pursuant to this policy.

- D. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.
- E. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited by this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

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