

**522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

**[NOTE: In 2024, the U.S. Department of Education, Office of Civil Rights (OCR), released the latest version of the Final Rule amending Title IX regulations at 34 Code of Federal Regulations, part 106. These regulations have an effective date of August 1, 2024.]**

**I. GENERAL STATEMENT OF POLICY**

- A. The Cooperative does not discriminate on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, in any education program or activity that it operates, including in admission and employment. The Cooperative does not discriminate in such a manner in its implementing regulations. The Cooperative is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. Except as provided elsewhere under Title IX or its regulations, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the Cooperative.
- C. The Cooperative prohibits sex-based discrimination or sexual harassment that occurs within its education programs and activities. The Cooperative shall promptly respond in a manner that is prompt and effective.
- D. Except as provided therein, Title IX and its regulations apply to all sex discrimination occurring under a Cooperative's education program or activity in the United States. For the purpose of this paragraph, conduct that occurs under the Cooperative's education program or activity includes but is not limited to conduct that is subject to the Cooperative's disciplinary authority. The Cooperative has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the Cooperative's education program or activity or outside the United States.
- E. The Cooperative has adopted, published, and implemented grievance procedures consistent with the requirements of 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the Cooperative's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.
- F. The Cooperative's obligation to comply with Title IX and its regulations is not obviated or alleviated by the Federal Educational Rights and Privacy Act (FERPA), 20 United States Code, section 1232g, or its implementing regulations, 34 Code of Federal Regulations, part 99, or any state law or local law. The obligation to comply is not

obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by the Cooperative and which receives Federal financial assistance.

- G. The Cooperative has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the Cooperative's education program or activity or outside the United States.
- H. Nothing in Title IX or its regulations may be read in derogation of any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person, subject to Paragraph F of this section, including but not limited to making a complaint through the Cooperative's grievance procedures for complaints of sex discrimination.
- I. In the limited circumstances in which Title IX or its regulations permits different treatment or separation on the basis of sex, the Cooperative must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by 20 United States Code, section 1681(a)(1) through (9) and the corresponding regulations sections 106.12 through 106.15, 20 United States Code, section 1686 and its corresponding regulation section 106.32(b)(1), or section 106.41(b). Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex.
- J. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator.

The Cooperative's Title IX Coordinator(s) is/are:  
Sarah McGuire, Executive Director  
200 Western Avenue, Ste A, Faribault, MN 55021  
smcguire@cannonvalleyspecial.ed.org

Inquiries about Title IX and its regulations may be referred to the Title IX Coordinator(s), the United States Department of Education's Office for Civil Rights, or both.

- K. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to Policy 413: Harassment and Violence.
- L. The effective date of this policy is August 1, 2024, and applies to alleged violations of this policy occurring on or after August 1, 2024.

## **II. DEFINITIONS**

- A. "Admission" means selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, membership, or matriculation in or at an education program or activity operated by the Cooperative.

- B. "Complainant" means
1. a student or employee of the Cooperative who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
  2. a person other than a student or employee of the Cooperative who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in a Cooperative education program or activity at the time of the alleged sex discrimination.
- C. "Complaint" means an oral or written request to the Cooperative that objectively can be understood as a request for the Cooperative to investigate and make a determination about alleged discrimination under Title IX or its regulations.
1. A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 Code of Federal Regulations, section 106.44(f)(1)(v).
  2. The following individuals have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the Cooperative investigate and make a determination about alleged discrimination under Title IX:
    - a. a complainant;
    - b. a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
    - c. the Cooperative's Title IX Coordinator.

**[NOTE: When a Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required under Title IX. The requirements for such a fact-specific determination are set forth in 34 Code of Federal Regulations, section 106.44(f)(1)(v).]**
  3. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed above, the following persons have a right to make a complaint:
    - a. any Cooperative student or employee; or
    - b. any person other than a Cooperative student or employee who was participating or attempting to participate in a Cooperative education program or activity at the time of the alleged sex discrimination.

- D. "Confidential employee" means
1. A Cooperative employee whose communications are privileged or confidential under Federal or Minnesota law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
  2. A Cooperative employee whom the Cooperative has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- E. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the Cooperative office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- F. "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the Cooperative's prohibition on sex discrimination.
- G. "Parental status" as used in Title IX and its regulations means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
1. A biological parent;
  2. An adoptive parent;
  3. A foster parent;
  4. A stepparent;
  5. A legal custodian or guardian;
  6. In loco parentis with respect to such a person; or
  7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- H. "Party" means a complainant or respondent.
- I. "Peer retaliation" means retaliation by a student against another student.
- J. "Pregnancy or related conditions" means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
  2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
  3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or

related medical conditions.

- K. "Program or activity" and "program" means all of the operations of a local education agency as defined in 20 United States Code, section 8801, a special purpose district, a system of vocational education, or other school system.
- L. "Relevant" means related to the allegations of sex discrimination under investigation as part of the grievance procedures under Title IX and 34 Code of Federal Regulations, section 106.44. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- M. "Remedies" means measures provided, as appropriate, to a complainant or any other person the Cooperative identifies as having had their equal access to the Cooperative's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the Cooperative's education program or activity after a Cooperative determines that sex discrimination occurred.
- N. "Respondent" means a person who is alleged to have violated the Cooperative's prohibition on sex discrimination.
- O. "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the Cooperative, a student, or an employee or other person authorized by the Cooperative to provide aid, benefit, or service under the Cooperative's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
- P. "Sex-based harassment" prohibited by Title IX and its regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
  - 1. *Quid pro quo harassment.*

An employee, agent, or other person authorized by the Cooperative to provide an aid, benefit, or service under the Cooperative's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
  - 2. *Hostile environment harassment.*

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Cooperative's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
    - a. The degree to which the conduct affected the complainant's ability to access the Cooperative's education program or activity;

- b. The type, frequency, and duration of the conduct;
  - c. The parties' ages, roles within the Cooperative's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d. The location of the conduct and the context in which the conduct occurred; and
  - e. Other sex-based harassment in the Cooperative's education program or activity; or
3. *Specific offenses.*
- a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - b. Dating violence meaning violence committed by a person:
    - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - ii. 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; and
      - (c) The frequency of interaction between the persons involved in the relationship;
  - c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - i. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the state of Minnesota, or a person similarly situated to a spouse of the victim;
    - ii. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - iii. shares a child in common with the victim; or
    - iv. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
  - d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - i. Fear for the person's safety or the safety of others; or

- ii. Suffer substantial emotional distress.
- Q. "Student" means a person who has gained admission.
- R. "Student with a disability" means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, or a child with a disability as defined in the Individuals with Disabilities Education Act.
- S. "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
  - 1. Restore or preserve that party's access to the Cooperative's education program or activity, including measures that are designed to protect the safety of the parties or the Cooperative's educational environment; or
  - 2. Provide support during the Cooperative's grievance procedures or during the informal resolution process.

The Cooperative will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the Cooperative's education program or activity or provide support during the Cooperative's Title IX grievance procedures or during the informal resolution process.
- T. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

**III. DESIGNATION OF TITLE IX COORDINATOR AND DESIGNEES**

- A. The Cooperative must designate and authorize at least one employee, referred to as a Title IX Coordinator, to coordinate its efforts to comply with its obligations under Title IX and its regulations. If a Cooperative has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over the responsibilities and ensure the Cooperative's consistent compliance with its responsibilities under Title IX and its regulations.
- B. As appropriate, the Cooperative may delegate, or permit a Title IX Coordinator to delegate, specific duties to one or more designees.

**IV. PARENTAL, FAMILY, OR MARITAL STATUS; PREGNANCY OR RELATED CONDITIONS**

A. Status Generally

The Cooperative must not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

B. Pregnancy or Related Conditions

1. Nondiscrimination

The Cooperative must not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. The Cooperative does not engage in prohibited

discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided the Cooperative ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. Responsibility to Provide Title IX Coordinator Contact and Other Information

The Cooperative must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the Cooperative's education program or activity.

3. Specific Actions to Prevent Discrimination and Ensure Equal Access

The Cooperative must take specific actions below to promptly and effectively prevent sex discrimination and ensure equal access to the Cooperative's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

a. Responsibility to provide information about Cooperative obligations.

The Cooperative must inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the Cooperative's obligations under 34 Code of Federal Regulations, section 106.31, paragraphs (b)(1) through (5) and section 106.44(j) and provide the Cooperative's notice of nondiscrimination under section 106.8(c)(1)

b. Reasonable modifications

- i. The Cooperative must make reasonable modifications to the Cooperative's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the Cooperative's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, the Cooperative must consult with the student. A modification that a Cooperative can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.
- ii. The student has discretion to accept or decline each reasonable modification offered by the Cooperative. If a student accepts the Cooperative's offered reasonable modification, the Cooperative must implement it.



iii. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

c. Voluntary access to separate and comparable portion of program or activity

The Cooperative must allow the student to voluntarily access any separate and comparable portion of the Cooperative's education program or activity under Paragraph A. above.

d. Voluntary leaves of absence

The Cooperative must allow the student to voluntarily take a leave of absence from the Cooperative's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the Cooperative that allows a greater period of time than the medically necessary period, the Cooperative must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the Cooperative's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

e. Lactation space

The Cooperative must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

f. Limitation on supporting documentation

The Cooperative must not require supporting documentation under Paragraph B.3, subparagraphs b. through e. unless the documentation is necessary and reasonable for the Cooperative to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under Paragraph C. subparagraphs 3 through 5 is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the Cooperative with sufficient supporting

documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action under Paragraph C. subparagraphs 3 through 5 is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

4. Comparable Treatment to Other Temporary Medical Conditions

To the extent consistent with Paragraph B.3 above, the Cooperative must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the Cooperative administers, operates, offers, or participates in with respect to students admitted to the Cooperative's education program or activity.

5. Certification to Participate

The Cooperative must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the Cooperative's class, program, or extracurricular activity unless:

- a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b. The Cooperative requires such certification of all students participating in the class, program, or extracurricular activity; and
- c. The information obtained is not used as a basis for discrimination prohibited by this part.

**V. REPORTING PROHIBITED CONDUCT**

A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.

B. The Cooperative requires all employees who are not confidential employees to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations. This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or its regulations.

C. Confidential Employee Requirements

1. The Cooperative must notify all participants in the Cooperative's education program or activity of how to contact its confidential employees, if any.
2. The Cooperative must require a confidential employee to explain to any person

who informs the confidential employee of conduct that reasonably may constitute sex discrimination under Title IX or its regulations:

- a. The employee's status as confidential for purposes of this part, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
  - b. How to contact the Cooperative's Title IX Coordinator and how to make a complaint of sex discrimination; and
  - c. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.
- D. Any employee of the Cooperative who has experienced, has knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- E. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during nonbusiness hours, and may be made in person, by mail, by telephone, or by email using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- F. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the Cooperative may report the alleged conduct to law enforcement authorities. The Cooperative encourages complainants to report criminal behavior to the police immediately.

## **VI. COOPERATIVE'S RESPONSE TO SEXUAL HARASSMENT**

### A. General

Upon knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the Cooperative must respond promptly and effectively. The Cooperative must also comply with 34 Code of Federal Regulations, section 106.44 to address sex discrimination in its education program or activity.

### B. Barriers to Reporting

The Cooperative must require its Title IX Coordinator to:

1. Monitor the Cooperative's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations; and
2. Take steps reasonably calculated to address such barriers.

### C. Title IX Coordinator Requirements

1. The Title IX Coordinator is responsible for coordinating the Cooperative's

compliance with its obligations under Title IX and its regulations. The Cooperative must require its Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or its regulations, to take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

- a. Treat the complainant and respondent equitably;
- b. Offer and coordinate supportive measures, as appropriate, for the complainant. In addition, if the Cooperative has initiated grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures, as appropriate, for the respondent;
- c. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and if applicable and the informal resolution process, if available and appropriate. If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate;
- d. In response to a complaint, initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties;
- e. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures.
  - i. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:
    - [a] The complainant's request not to proceed with initiation of a complaint;
    - [b] The complainant's reasonable safety concerns regarding initiation of a complaint;
    - [c] The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
    - [d] The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
    - [e] The age and relationship of the parties, including whether the respondent is an employee of the Cooperative;
    - [f] The scope of the alleged sex discrimination, including

information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

[g] The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and

[h] Whether the Cooperative could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

ii. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the Cooperative from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint

f. If initiating a complaint under Subparagraph e. above, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and

g. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the Cooperative's education program or activity.

2. The Title IX Coordinator is not required to comply with Paragraph C.1, subparagraphs a. through g. above upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or its regulations.

#### D. Supportive Measures

Under the *Title IX Coordinator Requirements* above, the Cooperative must offer and coordinate supportive measures, as appropriate, as described below. For allegations of sex discrimination other than sex-based harassment or retaliation, the Cooperative's provision of supportive measures does not require the Cooperative, its employee, or any other person authorized to provide aid, benefit, or service on the Cooperative's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

1. Supportive measures may vary depending on what the Cooperative deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training

and education programs related to sex-based harassment.

2. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the Cooperative's educational environment, or to provide support during the Cooperative's grievance procedures, or during the informal resolution process. The Cooperative must not impose such measures for punitive or disciplinary reasons.
3. The Cooperative may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the Cooperative may continue them beyond that point.
4. The Cooperative must provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the Cooperative's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The Cooperative must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.
5. The Cooperative must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception in 34 Code of Federal Regulations section 106.44(j)(1) through (5) applies.
6. The Cooperative must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 Code of Federal Regulations, section 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 in the implementation of supportive measures.

E. Students with Disabilities

If a complainant or respondent is an elementary or secondary student with a disability, the Cooperative must require the Title IX Coordinator to consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 Code of Federal Regulations, section 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 throughout the Cooperative's implementation of grievance procedures under 34 Code of Federal Regulations, section 106.45.

F. Emergency Removal

Nothing in Title IX or its regulations precludes 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 imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not 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 of 1990.

G. Administrative Leave

Nothing in Title IX or its regulations precludes the Cooperative from placing an employee respondent on administrative leave from employment responsibilities during the pendency of the Cooperative's grievance procedures. This provision must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

H. Prohibited Disclosures of Personally Identifiable Information

The Cooperative must not disclose personally identifiable information obtained in the course of complying with this part, except in the following circumstances:

1. When the Cooperative has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of 34 Code of Federal Regulations, section 106, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the Cooperative's education program or activity;
4. As required by federal law, federal regulations, or the terms and conditions of a Federal award, including a grant award or
5. To the extent such disclosures are not otherwise in conflict with Title IX or its regulations, when required by Minnesota or local law or when permitted under FERPA or its implementing regulations.

**VII. GRIEVANCE PROCEDURES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS OF SEX DISCRIMINATION**

A. General

The Cooperative's grievance procedures for the prompt and equitable resolution of complaints of sex discrimination must be in writing and include provisions that incorporate the requirements of this section. The requirements related to a respondent apply only to sex discrimination complaints alleging that a person violated the Cooperative's prohibition on sex discrimination. When a sex discrimination complaint

alleges that a Cooperative's policy or practice discriminates on the basis of sex, the Cooperative is not considered a respondent.

B. Basic Requirements for Grievance Procedures

The Cooperative's grievance procedures must:

1. Treat complainants and respondents equitably;
2. Require that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator;
3. Include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the Cooperative's grievance procedures for complaints of sex discrimination;
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Major stages include, for example, evaluation (i.e., the Cooperative's decision whether to dismiss or investigate a complaint of sex discrimination); investigation; determination; and appeal, if any;

**[NOTE: The Title IX regulations require reasonably prompt timeframes for major stages of the grievance procedures, but do not specify any particular timeframes. Cooperatives may establish their own district-specific timeframes. A sample set of provisions is offered below.]**

- a. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
- b. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the Cooperative within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
- c. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the Cooperative.
- d. The Cooperative will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the Cooperative.
- e. Although the Cooperative strives to adhere to the timelines described above, in each case, the Cooperative may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other



evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening Cooperative holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

- f. The Cooperative has established the following process for reasonable extension of timeframes on a case-by-case basis for good cause as set forth above. The process includes notice to the parties and the reason for the delay:

**[NOTE: The Cooperative should set forth its process for determining a reasonable extension of a timeframe.]**

5. Require the Cooperative to take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the Cooperative's grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures;
6. Require an objective evaluation of all evidence that is relevant, as defined in Article II, and not otherwise impermissible—including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person's status as a complainant, respondent, or witness;
7. Exclude the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except by the Cooperative to determine whether an exception in subparagraphs (a) through (c) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:
  - a. Evidence that is protected under a privilege as recognized by federal or Minnesota law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Cooperative obtains that party's or witness's voluntary, written consent for use in the Cooperative's grievance procedures; and
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude

determination that sex-based harassment occurred; and

8. If the Cooperative adopts grievance procedures that apply to the resolution of some, but not all, complaints articulate consistent principles for how the Cooperative will determine which procedures apply.

C. Notice of Allegations

Upon initiation of the Cooperative's grievance procedures, the Cooperative must provide notice of the allegations to the parties whose identities are known.

1. The notice must include:
  - a. The Cooperative's grievance procedures, and if applicable, any informal resolution process;
  - b. Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX or this part, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the Cooperative;
  - c. A statement that retaliation is prohibited; and
  - d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the Cooperative provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.
2. If, in the course of an investigation, the Cooperative decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice or that are included in a complaint that is consolidated, the Cooperative must provide notice of the additional allegations to the parties whose identities are known.

**[NOTE: If the Cooperative provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]**

If, in the course of an investigation, the Cooperative decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the Cooperative will notify the parties of the additional allegations.

D. Consolidation

The Cooperative may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than

one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

E. Complaint Investigation

- A. The Cooperative must provide for adequate, reliable, and impartial investigation of complaints. To do so, the Cooperative must:
1. Ensure that the burden is on the Cooperative – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
  2. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
  3. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with § 106.2 and with paragraph (b)(7) of this section; and
  4. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
    - a. The Cooperative must provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the Cooperative provides a description of the evidence, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
    - b. The Cooperative must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
    - c. The Cooperative must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

The Cooperative must provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Cooperative must:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the Cooperative uses the clear and convincing evidence standard of proof in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the Cooperative may elect to use that standard of proof in determining whether sex discrimination occurred. Both standards of proof require the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. If there is a determination that sex discrimination occurred, as appropriate, require the Title IX Coordinator to coordinate the provision and implementation of remedies to a complainant and other persons the Cooperative identifies as having had equal access to the Cooperative's education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the Cooperative's education program or activity. The Cooperative may not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Cooperative's grievance procedures that the respondent engaged in prohibited sex discrimination;
4. Comply with 34 Code of Federal Regulations, section 106.45, before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in Cooperative's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Cooperative's determination whether sex discrimination occurred.

H. Additional Provisions

If the Cooperative adopts additional provisions as part of its grievance procedures for handling complaints of sex discrimination, including sex-based harassment, such additional provisions must apply equally to the parties.

I. Informal Resolution

In lieu of resolving a complaint through the Cooperative's grievance procedures, the parties may instead elect to participate in an informal resolution process under 34 Code of Federal Regulations, section 106.44(k) if provided by the Cooperative consistent with

that paragraph.

J. Provisions Limited to Sex-Based Harassment Complaints

For complaints alleging sex-based harassment, the grievance procedures must:

1. Describe the range of supportive measures available to complainants and respondents; and
2. List, or describe the range of, the possible disciplinary sanctions that the Cooperative may impose and remedies that the Cooperative may provide following a determination that sex-based harassment occurred.

**VIII. INFORMAL RESOLUTION OF A COMPLAINT**

**[NOTE: The 2024 Title IX amendments do not require a Cooperative to offer an informal resolution process. However, a Cooperative is free to provide such a process in some circumstances, as long as it complies with certain regulatory requirements. Requirements related to informal resolution are set forth in 34 Code of Federal Regulations, section 106.44(k).]**

- A. At any time prior to determining whether sex discrimination occurred, the Cooperative may offer to a complainant and respondent an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student or such a process would conflict with federal, Minnesota, or local law. A Cooperative that provides the parties an informal resolution process must, to the extent necessary, also require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the Cooperative's education program or activity.
1. Subject to the limitations in Paragraph A. above, the Cooperative has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes.
  2. In addition to the limitations in Paragraph A. above, circumstances when the Cooperative may decline to allow informal resolution include but are not limited to when the Cooperative determines that the alleged conduct would present a future risk of harm to others.
- B. The Cooperative must not require or pressure the parties to participate in an informal resolution process. The Cooperative must obtain the parties' voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- C. Before initiation of an informal resolution process, the Cooperative must provide to the parties notice that explains:
1. The allegations;
  2. The requirements of the informal resolution process;

3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the Cooperative's grievance procedures;
  4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  6. What information the Cooperative will maintain and whether and how the Cooperative could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.
- D. The facilitator for the informal resolution process must not be the same person as the investigator or the decisionmaker in the Cooperative's grievance procedures. Any person designated by the Cooperative to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution must receive training as provided under this policy.
- E. Potential terms that may be included in an informal resolution agreement include but are not limited to:
1. Restrictions on contact; and
  2. Restrictions on the respondent's participation in one or more of the Cooperative's programs or activities or attendance at specific events, including restrictions the Cooperative could have imposed as remedies or disciplinary sanctions had the Cooperative determined at the conclusion of the Cooperative's grievance procedures that sex discrimination occurred.

## **IX. DISMISSAL OF A COMPLAINT**

- A. The Cooperative may dismiss a complaint of sex discrimination made through its grievance procedures under this policy for any of the following reasons:
1. The Cooperative is unable to identify the respondent after taking reasonable steps to do so;
  2. The respondent is not participating in a Cooperative education program or activity and is not employed by the Cooperative;
  3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Cooperative determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or,
  4. The Cooperative determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before

dismissing the complaint, the Cooperative will make reasonable efforts to clarify the allegations with the complainant.

- B. Upon dismissal, the Cooperative will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Cooperative will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- C. The Cooperative must notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint on the bases set out in 34 Code of Federal Regulations, section 106.46(i)(1). If the dismissal occurs after the respondent has been notified of the allegations, then the Cooperative will also notify the respondent that the dismissal may be appealed on the bases set out in 34 Code of Federal Regulations, section 106.46(i)(1). If the dismissal is appealed, the Cooperative must:
  - 1. Notify the parties of any appeal, including notice of the allegations consistent with paragraph (c) of this section if notice was not previously provided to the respondent;
  - 2. Implement appeal procedures equally for the parties;
  - 3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  - 4. Ensure that the decisionmaker for the appeal has been trained as set out in this policy;
  - 5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  - 6. Notify the parties of the result of the appeal and the rationale for the result.
- D. When the Cooperative dismisses a complaint, it must, at a minimum:
  - 1. Offer supportive measures to the complainant as appropriate;
  - 2. For dismissals under Paragraph A. 3 and 4 above in which the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate under 34 Code of Federal Regulations, section 106.44(g); and
  - 3. Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the Cooperative's education program or activity.
- E. Dismissal of a formal complaint or a portion thereof does not preclude the Cooperative from addressing the underlying conduct in any manner that the Cooperative deems appropriate.

**[NOTE: For example, Cooperatives are reminded of the obligation under Minnesota Statutes, section 122A.20, subdivision 2, to make a mandatory report to the Minnesota Professional Educator Licensing and Standards Board concerning any teacher who resigns during the course of an investigation of**

misconduct.]

## **XI. APPEAL OF DETERMINATION**

**[NOTE: Regarding an appeal of a determination, the 2024 Title IX Final Rule states that the Cooperative must offer the parties an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints.]**

**This section provides sample text a Cooperative may elect to include in its grievance procedures, but Cooperatives are not required to use the text provided.]**

- A. The Cooperative offers the following process for appeals from a determination whether sex discrimination occurred. This appeal process will be, at a minimum, the same as the Cooperative offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.
- B. If notice of an appeal is timely received by the Cooperative, the Cooperative will notify the parties in writing of the receipt of the appeal, assign or designate the appellate decisionmaker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the appellate decisionmaker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the appellate decisionmaker is final. No further review beyond the appeal is permitted.

## **XII. SANCTIONS AND REMEDIES**

Following a determination that sex-based harassment occurred, the Cooperative may impose disciplinary sanctions, which may include but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge.

**[NOTE: The Cooperative may choose to consult its legal counsel for district-specific sanctions and remedies. The following sample language may be considered:**

- 1. The following is the range of possible remedies that the Cooperative may provide a complainant and disciplinary sanctions that the Cooperative might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the Cooperative buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.**
- 2. If the decisionmaker determines a respondent is responsible for violating this policy, the decisionmaker will recommend appropriate remedies, including disciplinary sanctions/consequences.**



**Decisionmaker will notify the Title IX Coordinator/ Executive Director of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.]**

### **XIII. RETALIATION**

The Cooperative must prohibit retaliation, including peer retaliation, in its education program or activity. When the Cooperative has information about conduct that reasonably may constitute retaliation under Title IX or its regulations, the Cooperative is obliged to comply with 34 Code of Federal Regulations, section 106.44. Upon receiving a complaint alleging retaliation, the Cooperative must initiate its grievance procedures or, as appropriate, an informal resolution process.

### **XIV. TRAINING**

**[NOTE: Training requirements are set forth in 34 Code of Federal Regulations, section 106.8(d).]**

A. The Cooperative must ensure that the following persons receive training related to their duties under Title IX promptly upon hiring or change of positions that alters their duties under Title IX or its regulations, and annually thereafter. This training must not rely upon sex stereotypes.

1. *All employees* must be trained on:
  - a. The Cooperative’s obligation to address sex discrimination in its education program or activity;
  - b. The scope of conduct that constitutes sex discrimination under Title IX and its regulations, including the definition of sex-based harassment; and
  - c. All applicable notification and information requirements under 34 Code of Federal Regulations, sections 106.40(b)(2) and 106.44.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the Cooperative’s grievance procedures or have the authority to modify or terminate supportive measures.*

In addition to the training requirements for all employees described in Paragraphs 1 and 2 above, all investigators, decisionmakers, and other persons who are responsible for implementing the Cooperative’s grievance procedures or have the authority to modify or terminate supportive measures under 34 Code of Federal Regulations, section 106.44(g)(4) must be trained on the following topics to the extent related to their responsibilities:

- a. The Cooperative’s obligations under 34 Code of Federal Regulations, section 106.44;

- b. The Cooperative’s grievance procedures under 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46;
- c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- d. The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under 34 Code of Federal Regulations, section 106.45, and if applicable section 106.46.

3. *Facilitators of informal resolution process*

In addition to the training requirements for all employees described in Paragraph 1 above, all facilitators of an informal resolution process under 34 Code of Federal Regulations, section 106.44(k) must be trained on the rules and practices associated with the Cooperative’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

4. *Title IX Coordinator and Title IX Personnel*

In addition to the training requirements in Paragraphs 1 through 3 above, the Title IX Coordinator and Title IX Personnel must be trained on their specific responsibilities under 34 Code of Federal Regulations, section 106.8(a), section 106.40(b)(3), section 106.44(f) and (g), the Cooperative’s recordkeeping system and the requirements of 34 Code of Federal Regulations, section 106.8 (f), and any other training necessary to coordinate the Cooperative’s compliance with Title IX. “Title IX Personnel” means any person who addresses, works on, or assists with the Cooperative’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions.

**XV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, Cooperative employees, and employee unions.
- B. The Cooperative shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. Notice of Nondiscrimination
  - 1. The Cooperative must provide notice of nondiscrimination to applicants for admission and employment, students, parents, guardians, or other authorized legal representatives of elementary and secondary school students, employees, and all unions holding collective bargaining agreements with the Cooperative.
  - 2. Contents of Notice of Nondiscrimination

The notice of nondiscrimination must include the following elements:

- a. A statement that the Cooperative does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment;
  - b. A statement that inquiries about the application of Title IX and its regulations to the Cooperative may be referred to the Cooperative's Title IX Coordinator, the federal Office for Civil Rights, or both;
  - c. The name or title, office address, email address, and telephone number of the Title IX Coordinator;
  - d. How to locate the Cooperative's nondiscrimination policy and the Cooperative's grievance procedures; and
  - e. How to report information about conduct that may constitute sex discrimination under Title IX; and how to make a complaint of sex discrimination under the regulations.
3. The Cooperative must prominently include all elements of its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.
  4. If necessary, due to the format or size of any publication, the Cooperative may instead include in those publications the information covered in the following statement: "Cannon Valley Special Education Cooperative prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [www.cannonvalleyspecial.org](http://www.cannonvalleyspecial.org)."
  5. The Cooperative must not use or distribute a publication stating that the Cooperative treats applicants, students, or employees differently on the basis of sex, except as such treatment is permitted by Title IX or its regulations.

## **XVI. RECORDKEEPING**

The Cooperative must create, and maintain for a period of seven years:

- A. For each complaint of sex discrimination, records documenting the informal resolution process under 34 Code of Federal Regulations, section 106.44(k) or the grievance procedures under section 106.45, and if applicable section 106.46, and the resulting outcome.
- B. For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations, including notifications under 34 Code of Federal Regulations, section 106.44(c)(1) or (2), records documenting the actions the Cooperative took to meet its obligations under section 106.44
- C. All materials used to provide training under this policy. The Cooperative must make these training materials available upon request for inspection by members of the public.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and  
Campus Crime Statistics Act (“Clery Act”))

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status  
Nondiscrimination)