

University of Sioux Falls
Title IX Information and Grievance Policy
Effective 2024-2025 Academic Year

The University of Sioux Falls (USF) is committed to maintaining a safe and welcoming environment, free from discrimination, harassment, and sex-based misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking. In accordance with Title IX regulations, USF will promptly and equitably address incidents occurring within its educational programs or activities.

USF recognizes that all students and employees deserve the opportunity to reach their highest potential without facing behavior that creates or maintains a hostile environment based on sex. Sexual harassment is defined as unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to USF's educational programs or activities. USF is committed to promptly, impartially, and equitably addressing and resolving Title IX complaints. When the USF finds that an incident has occurred it will take steps to stop the behavior, to prevent its recurrence, and to remedy its effects.

Use the links on the USF website/Title IX to learn more about USF's Title IX Policy and to access information and resources for support, reporting, and assistance.

The Title IX Team is available to assist individuals who have concerns or complaints, and offers a formal and informal grievance process, which includes investigation, equal opportunity for both parties to present evidence, and rights to an appeal. USF ensures that all complaints are handled in a transparent and unbiased manner, providing fair resolution to protect the integrity of its learning and working environments.

To report a potential Title IX incident or ask questions you may use the [Title IX Incident Report Form](#) or contact:

Title IX Coordinator: TitleIX@usiouxfalls.edu, Julie D Gednalske, VP for HR/Title IX Coordinator 605-331-6802 or -605-331-6683, Jorden Hall, Suite 205 or a member of the [Title IX team](#).

USF Title IX Compliance: On April 19, 2024, the Department of Education's Office for Civil Rights released new Title IX regulations (2024 regulations), replacing the 2020 regulations. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in any education program or activity that receives federal financial assistance. The 2024 regulations expanded protections for sex discrimination, added pregnancy protections for students, and updated adjudication procedures.

Title IX Regulations Currently Followed by USF: South Dakota, Nebraska, Kansas, Florida, North Dakota, Iowa, Arkansas, Indiana, Ohio, and others have filed litigation asking a federal court to enjoin the 2024 regulations. The court issued its injunction on July 26, 2024, staying implementation in South Dakota of the 2024 regulations. Therefore, USF currently enforces the 2020 regulations.

TITLE IX: Sex Discrimination and Sex-Based Harassment Prevention and Response at the University of Sioux Falls

1. What is Title IX?

Title IX is a federal law that prohibits sex discrimination in educational institutions that receive federal funding. This includes protection against sexual harassment, sexual assault, and other forms of sex-based misconduct.

2. What behavior is potentially a violation of USF's Title IX policy?

Prohibited behaviors include sexual harassment, sexual assault, sex-based harassment, intimate partner violence, stalking, non-consensual sexual contact, and sexual exploitation. These behaviors may also create a hostile environment and are prohibited by USF's Title IX policy.

3. What is consent?

Consent is defined as an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity. It must be given from the beginning to the end of each activity or form of sexual contact. An individual incapacitated by drugs, alcohol, or unconsciousness cannot give consent.

4. What are my reporting options?

You can report Title IX violations to the Title IX Coordinator, Campus Safety and Security, members of the Title IX Team, or other USF officials. You also have the option to report the incident to local law enforcement.

Reporting At USF:

Complaints and violations may be reported to any of the Title IX Team by contacting them directly or emailing: TitleIX@usioxford.edu. All USF employees are mandatory reporters except the University Counselor and Campus Pastor.

Reporting Externally:

Sioux Falls Police Department (Non-Emergency): (605) 367-7000
Emergency: Dial 911

Inquiries may be made externally to:

Office for Civil Rights (OCR) U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>
Web: <https://www.notalone.gov/>

5. Who is the Title IX Coordinator and Title IX Team and what is their role?

The Title IX Coordinator oversees USF's response to reports of discrimination, harassment, and sex-based misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, ensuring compliance with Title IX policies and federal regulations. They coordinate the investigation and resolution of complaints. USF Title IX Team is as follows and complaints and violations may be reported to any of the following by contacting them directly or by emailing: TitleIX@usioxford.edu

- Dr. Julie D Gednalske, VP for HR/Title IX Coordinator
Location: Jorden Hall, Suite 205
TitleIX@usiouxfalls.edu; Julie.Gednalske@usiouxfalls.edu
605-331-6802; 605-331-6683;
- Andrew Porteous
Director of Housing & Student Life
Andrew.Porteous@usiouxfalls.edu; 605-331-6892
- Mekonnen Afa:
Director of International Education/Human Resources Associate
Mekonnen.Afa@usiouxfalls.edu; 605-331-6585
- Nicole Dulaney
Director of the Academic Success Center
Nicole.Dulaney@usiouxfalls.edu; 605-331-6653
- Emily DeGroot
Associate Athletic Director of Sports Medicine and Wellness
Emily.DeGroot@usiouxfalls.edu; 605-331-6550
- Dr. Amy Johnson
Instructor of Exercise Science/Coordinator of Campus Health/Academic Advisor
Amy.Johnson@usiouxfalls.edu; 605-331-6687
- Marlene Quittem
Director of Risk Management
Marlene.Quittem@usiouxfalls.edu; 605-331-6609
- Mike Thompson, Esq
Associate Professor of Criminal Justice; Faculty Athletic Rep; In-House Counsel
Mike.Thompson@usiouxfalls.edu; 605-575-2039

6. Who is required to report a Title IX complaint?

All USF employees, with the exception of Campus Counselor and Campus Pastor, are considered mandatory reporters and must report any known Title IX violations to the Title IX Coordinator. Should the Title IX Coordinator not be able to be reached, Title IX violations may be reported to a member of the Title IX Team.

7. What is the University's Title IX Grievance Policy – specifically, what options are available to address a Title IX complaint.

INITIAL ASSESSMENT

When the Title IX Coordinator becomes aware of an incident, which may involve conduct Title IX prohibits, the Title IX Coordinator and a member of the Title IX Team will, within a reasonable time not to exceed ten (10) days, conduct an Initial Assessment meeting to gain a basic understanding of the nature and circumstances of the incident and report. At this meeting, the reporting party will be provided with information about resources, procedural options, supportive measures, and given an opportunity to discuss USF's policies.

A reasonable assessment of the safety of the reporting party and of the campus community will be made by the Title IX Coordinator and at least one member of the Title IX Team. These persons will consider, among other

things, the interest of the reporting party and the reporting party's expressed preference for the manner of resolution. At this stage of the process, though, the best interests of USF's community are paramount.

FILING A COMPLAINT

If the reporting party wishes to proceed with a resolution process, they will submit, if they haven't already done so, a written Complaint to the Title IX Coordinator. Upon receipt of a written Complaint, the Title IX Coordinator (or Title IX Team designee) will be responsible for making the following determinations:

does this process apply?; and accepting the facts set forth by the reporting party as true, do the facts establish a violation of the University's Policy?

-If the answer to either question is no, the Title IX Office does not have the authority to resolve the written Complaint and the reporting party will be referred to the appropriate resources.

-If the answer to both questions is yes, the Title IX Coordinator, or designee, has the authority to investigate and work through the appropriate process to resolve the written Complaint.

STANDARD OF EVIDENCE

In all stages of this process, USF will apply the preponderance of the evidence standard (more likely than not) when determining whether there has been a violation.

BURDEN OF PROOF

The burden of proof and the production of evidence necessary to meet the standard of proof remains on USF throughout the process.

ADVISERS

Reporting parties and respondents are entitled to be accompanied and assisted by an adviser of their choosing. Advisers, including attorneys, may participate in the process or speak on behalf of the reporting party or respondent, and can ask to suspend any meetings, interviews, or hearings briefly to provide consultation. Accommodations, other than those required by law and including, but not limited to, scheduling of interviews or hearings, will not be made for any advisers, including attorneys, if the accommodations, based entirely upon the discretion of the Title IX Coordinator, unduly delay the process. Even if a party engages an adviser, however, USF will continue to communicate only with the party, who can then choose whether to share the communication with the adviser. This rule will change only if law or ethics requires communication to the adviser in addition to communication with the party. For example, if USF's communication comes from a lawyer, then the communication must include the party and their lawyer.

RESOLUTION PROCESS

A reporting party has the opportunity to resolve a possible Title IX violation through an Informal Resolution Process or a Formal Resolution Process. Both are defined below. USF uses its best efforts to resolve a complaint within ninety (90) days of the date of the Initial Assessment. USF also has the right to investigate and move forward with a Title IX investigation even without the written or verbal communication or consent of a reporting party. Regardless of the choice of process, the respondent is presumed innocent of wrongdoing unless or until USF proves otherwise.

Informal Resolution Process:

The informal resolution process allows both parties, the reporting party and the responding party, to agree to resolve the complaint without going through the formal process.

- This process can be pursued only if both parties provide voluntary written consent after being fully informed of all available options.

- The informal process can take various forms, such as mediation, and may be recommended by the Title IX Coordinator or designee based on the nature of the complaint.
- An important limitation is that this process is not available for complaints involving allegations that an employee has sexually harassed a student.
- The informal resolution process is entirely voluntary, and either party can choose to stop the process at any time before its completion. If the informal resolution is terminated, any information obtained during this process may be used in the formal resolution process that follows.
- Once a complaint is resolved through the informal process, the matter is considered closed, and no further actions will be taken on the same complaint.

Formal Resolution Process:

The formal resolution process is initiated when the reporting party submits a written or verbal complaint, or when the Title IX Coordinator determines that a formal process is necessary for the safety of the broader campus community.

- The process begins with the reporting party submitting a written complaint to the Title IX Coordinator if not already done so. The Title IX Coordinator will assess whether the complaint falls under Title IX jurisdiction and, if so, begin the investigation.

Notice and Investigation:

- The respondent will be notified in writing of the allegations and given an opportunity to submit a written statement within five business days of receiving the notice.
- An investigator will be appointed by the Title IX Coordinator. The investigator may be an internal or external individual, or a combination of both. The investigator will gather information, interview witnesses, and compile evidence.
- Both parties will be allowed to review the collected evidence and provide a written response.
- The investigator will draft an initial investigation report, which will be shared with both parties, who can submit responses.
- A final investigation report is then submitted to the Title IX Coordinator along with the parties' responses. The parties will simultaneously receive a copy of the final investigative report and may submit a response.

Hearing:

- A hearing panel, consisting of 3 to 5 members, is selected by majority vote of the Title IX Team. The panel will review the final investigation report and hear evidence presented by both parties.
- Both the reporting and responding parties, or their advisers, will have the opportunity to present documentary and testimonial evidence, including the right to cross-examine witnesses. However, only the party's respective adviser may conduct the cross-examination of another party or any witness.
- The hearing is treated as a quasi-judicial proceeding, meaning it follows formal procedures to ensure fairness. USF provides a court reporter or other means to record the hearing.
- If a party does not have an adviser, the University will provide one at no charge to conduct cross-examinations of the other party or any witness.

Decision and Sanctions:

- After the hearing, the panel will deliberate and decide by majority vote whether the respondent has violated USF's Title IX policy using the preponderance of evidence standard (more likely than not).
- If a violation is found, the panel will determine the appropriate sanction, which could range from warnings to expulsion.
- Both parties will receive a written decision and rationale from the Title IX Coordinator within 14 days of

the hearing.

Appeals:

- Either party can appeal the decision to USF's President within 30 days of the date of the hearing panel's written decision. The parties may submit written statements to the President or a designee. The appeal is reviewed for potential abuse of discretion, and the President or a designee will issue a written decision to both parties.

Live Hearing Process:

In the Formal Resolution Process, the University's grievance process provides for a live hearing as required:

- At the live hearing, only the party's respective adviser is allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's adviser of choice and never by the party personally.
- At the request of either party, the live hearing can occur with the parties in separate rooms using technology enabling the decision-maker(s), the parties, and any witnesses to simultaneously see and hear each other.
- Only relevant cross-examination and other questions may be asked. Before any party or witness answers a cross-examination or other question, the decision-maker(s) will determine the relevance of the question and explain any decision to exclude a question as not relevant.
- If a party does not have an adviser present at the live hearing, USF will provide one free of charge. This adviser may, but is not required to be, an attorney, and will conduct cross-examination on behalf of that party.
- Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant, unless offered to prove that someone other than the respondent committed the alleged conduct, or if the questions concern specific incidents of the complainant's prior sexual behavior with the respondent to prove consent.
- If a party or witness does not submit to cross-examination, the decision-maker(s) will not rely on any statement of that party or witness when determining responsibility. However, no inference about the responsibility determination will be made based solely on a party's or witness's refusal to answer cross-examination or other questions.
- USF will create an audio, audiovisual recording, or transcript of the live hearing and will make it available to the parties for inspection and review.

8. Where can I find more information on rights, advocacy, and medical care?

In the event of discrimination, harassment, and sex-based misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, the following support is available to provide rights, advocacy, and medical care to at USF or in the Sioux Falls community:

CONFIDENTIAL RESOURCE

- University of Sioux Falls Counselor: (605) 331-6619 or C: (605) 575-2030
- Campus Pastor: (605) 331-6777
- The Compass Center: (877) IN-CRISIS or (605) 339-0116 | Info@ Thecompasscenter.Org
- Center for Family Medicine: (605) 339-1783
- Avera Behavioral Health: (605) 322-4065

- Avera Emergency Room: (605) 322-2000
- Sanford Emergency Room: (605) 333-6688

NON-CONFIDENTIAL RESOURCE:

- USF Title IX Coordinator: (605) 331-6802; 605-331-6683; Titleix@Usiouxfalls.edu
- USF Campus Safety and Security: (605) 321-6400 (Cell Phone Answered 24/7)
- Sioux Falls Police Department (Non-Emergency): (605) 367-7000
- Emergency: 911
- Director of Housing and Student Life: (605) 331-6892
- Associate Director of Student Life: (605) 331-6801

9. Where can I find more information on supportive measures?

The University of Sioux Falls (USF) is committed to maintaining a safe and welcoming environment, free from discrimination, harassment, and sex-based misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking. In accordance with Title IX regulations, USF will promptly and equitably address incidents occurring within its educational programs or activities.

If you have experienced discrimination, harassment, and sex-based misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, USF offers supportive measures for you-- there are options available to you and we encourage you reach out for support.

In the event you have experienced discrimination, harassment, and sex-based misconduct, you may proceed in the manner you choose – this is your decision. The University of Sioux Falls strongly encourages all members of its community to report incidents of discrimination, harassment, and sex-based misconduct; however, students are not required to do so. USF will provide support however you choose to move forward. Options available are as follows:

- **Medical Attention:** Seek medical attention to address injuries and evaluate your health and well-being. Medical exams may also test for sexually transmitted infections, provide emergency medication if needed, and/or preserve evidence. Seeking medical attention and preserving evidence may be important in case you decide to report the incident to USF or Law Enforcement. Information for medical resources in Sioux Falls is available on the USF website under Title IX or contact a medical provider you have previously seen in Sioux Falls or your personal medical provider, whoever you are most comfortable seeking out.
- **Resources:** USF has confidential resources for you to seek out, both on and off campus. Those resources are available on the USF website under Title IX and listed below. Both confidential and non-confidential, but supportive, resources are as follows:
 - **CONFIDENTIAL RESOURCE**
 - University of Sioux Falls Counselor: (605) 331-6619 or C: (605) 575-2030
 - Campus Pastor: (605) 331-6777
 - The Compass Center: (877) IN-CRISIS or (605) 339-0116 | Info@ Thecompasscenter.Org
 - Center for Family Medicine: (605) 339-1783
 - Avera Behavioral Health: (605) 322-4065
 - Avera Emergency Room: (605) 322-2000
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 - **NON-CONFIDENTIAL RESOURCE:**
 - USF Title IX Coordinator: (605) 331-6802; 605-331-6683; Titleix@Usiouxfalls.edu
 - USF Campus Safety and Security: (605) 321-6400 (Cell Phone Answered 24/7)

- Sioux Falls Police Department (Non-Emergency): (605) 367-7000
 - Emergency: 911
 - Director of Housing and Student Life: (605) 331-6892
 - Associate Director of Student Life: (605) 331-6801
- Report: USF encourages you to contact the Title IX Coordinator or a member of the USF Title IX Team to report the incident or contact the following:
 - Report: Contact law enforcement to make a report. Contact information is as follows:
 - Sioux Falls Police Department (Non-Emergency): (605) 367-7000
 - Emergency: 911
- Types of Support: There are steps USF can help you with to protect you and the USF community after you have experienced discrimination, harassment, or sex-based misconduct. Talk to the Title IX Coordinator or a member of the USF Title IX Team to request supportive measures – together we will work with you to offer and make available appropriate and reasonable supportive measures to ensure the safety and well-being of the complainant, respondent, and the campus community, upon receiving notice of the alleged misconduct per USF and Title IX regulations.
 - USF will maintain the confidentiality of Supportive Measures to the extent maintaining such confidentiality does not impair USF’s ability to provide the Supportive Measures. The Title IX Coordinator or their designee will notify the complainant before personally identifying information that USF believes is necessary to provide a Supportive Measure is shared, including what information will be shared, with whom, and for what reason.
 - Types of support available depends on the incident reported, Title IX regulations, and are determined on a case-by-case basis by USF
 - The Title IX Coordinator (or designee) may work with other departments at the University to identify, coordinate, or implement Supportive Measures. Types of support may include:
 - Academic: Academic supportive examples may include additional academic support by a faculty, tutor, or the Academic Success Center; extensions for assignments, tests, or other class requirements; change of class time/schedule or class modality; academic leave of absence or withdrawal from class(es) or institution
 - Other: Other examples of supportive measures may include, escort to and from activities, meals, class, etc. by USF Campus Safety & Security, change of on-campus housing, waiver for off-campus housing, contact restrictions, work or class schedule adjustments.
 - USF may implement supportive measures whether a formal complaint is or is not filed.
- The Title IX Coordinator and USF Title IX Team are as follows and violations may be reported to any of the following by contacting them directly or by emailing: TitleIX@usiouxfalls.edu
 - Dr. Julie D Gednalske, VP for HR/Title IX Coordinator
 Location: Jorden Hall, Suite 205
 TitleIX@usiouxfalls.edu; Julie.Gednalske@usiouxfalls.edu
 605-331-6802; 605-331-6683;
 - Andrew Porteous
 Director of Housing & Student Life
 Andrew.Porteous@usiouxfalls.edu; 605-331-6892
 - Mekonnen Afa:

Director of International Education/Human Resources Associate
Mekonnen.Afa@usiouxfalls.edu; 605-331-6585

- Nicole Dulaney
Director of the Academic Success Center
Nicole.Dulaney@usiouxfalls.edu; 605-331-6653
- Emily DeGroot
Associate Athletic Director of Sports Medicine and Wellness
Emily.DeGroot@usiouxfalls.edu; 605-331-6550
- Dr. Amy Johnson
Instructor of Exercise Science/Coordinator of Campus Health/Academic Advisor
Amy.Johnson@usiouxfalls.edu; 605-331-6687
- Marlene Quittem
Director of Risk Management
Marlene.Quittem@usiouxfalls.edu; 605-331-6609
- Mike Thompson, Esq
Associate Professor of Criminal Justice; Faculty Athletic Rep; In-House Counsel
Mike.Thompson@usiouxfalls.edu; 605-575-2039