



University of Sioux Falls TITLE IX/CLERY INCIDENT REPORT FORM

CONFIDENTIAL

Your Role at USF: Student/Faculty/Staff/Other: _____

Your Relationship: Victim/Bystander/Other: _____

If you (the reporter) are also the victim, you may leave the next two fields blank, if you desire.

Name of Reporter: _____

Best Way to Contact Me: _____ (Please include cell, email, etc.)

All non-victim employees who become aware of Clery- or Title IX-reportable criminal activity, sexual harassment, sex discrimination, and/or sexual misconduct, involving any member of the campus community, guests, or visitors, must report the incident within 24 hours.

- Faculty and staff (full-time and part-time) are “mandated reporters” and must report all details of incidents of sexual or gender-based harassment (including violence), discrimination, and misconduct.
- If you are unsure how much information you must disclose, contact the Title IX Coordinator immediately.

Date and Time of Incident: _____

Location of the Incident: _____

Name(s) of Victim(s): _____

Name(s) of Alleged Perpetrator(s): _____

Type of Incident (Use Behavior List below or on reverse): _____

Was this a hate- or bias-motivated crime? If so, what type? _____

Description of Incident: _____

_____ (Continue on a separate page if more space is needed.)

Submit this form to the Title IX Coordinator:

Julie D. Gednalske, Vice President for Human Resources, Jorden Hall, Suite 205
julie.gednalske@usioxford.edu | TitleIX@usioxford.edu | 605-331-6683 or 605-331-6802

Title IX Definitions

Title IX protects students, faculty, and staff in connection with all academic, educational, co-curricular, extracurricular, athletic, and other programs that occur on-campus or at off-campus activities that are University-related. It also covers on-campus retaliation following an off-campus, non-University event.

Discrimination: Actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex.

Sexual Harassment: Unwelcome, sex-related verbal, written, physical and/or online conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the University’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation. Such harassment can include acts of verbal, nonverbal, graphic or physical aggression, intimidation, or hostile conduct based on sex—but not involving sexual conduct.

Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex of those involved. Violations include:

Non-Consensual Sexual Contact: Any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Sexual touching includes intentional bodily contact (or making another touch you) with the breasts, genitals, mouth or

other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Non-Consensual Sexual Intercourse: Any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object by a man or woman upon a man or woman, that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.

Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for purposes including, but not limited to: sexual gratification, financial gain, personal benefit, or advantage. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual-misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another individual;
- Non-consensual video- or audio-taping of sexual activity or nudity;
- Going beyond the boundaries of consent (such as letting friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism
- Knowingly transmitting an STI or HIV to another individual

- Exposing one’s genitals in non-consensual circumstances, or inducing another to expose their genitals; and
- Administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

Relationship/Interpersonal Violence: Occurs when one partner attempts to dominate or exploit another, including, but not limited to, physical, psychological, financial, and sexual domination. Relationship violence includes multiple dimensions such as domestic violence, dating violence, and intimate partner violence. (See Clery definitions.)

Intimate Partner Violence: The use of physical violence, coercion, manipulation, threats, intimidation, isolation, or other forms of physical, emotional, or sexual abuse toward a partner in a current or former intimate relationship.

Stalking/Cyberstalking: A course of conduct involving more than one instance of unwanted attention, harassment, unwanted physical or verbal contact, use of threatening words and/or conduct, or any other course of conduct directed at an individual that could be reasonably regarded as alarming or likely to place that individual in fear of harm or injury to self or others, including physical, emotional, or psychological harm. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Retaliation: Any act or attempt to react against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of an alleged violation of this policy. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals---not just a complainant or respondent---can engage in retaliation.

The following may be Title IX violations if sex-based:

Bullying/Cyberbullying: Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally (and are not protected by freedom of expression); often include comments about race, color, national origin, sex, or disability; often involves an imbalance of power, aggression, and a negative repeated behavior (and can be by electronic means). **Hazing:** Acts that cause or are likely to cause physical or psychological harm or social ostracism to any person within the university community when related to the admission, initiation, pledging, joining, or any other group-affiliated activity

Clery Crime Definitions

Criminal Offenses (Group A Offenses)

Murder: The willful (non-negligent) killing of a human being by another.

Manslaughter: The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (either temporarily or permanently).

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent (under age 16 in South Dakota).

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; (1) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons

involved in the relationship. (2) For the purpose of this definition – (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (ii) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: (1) A felony or misdemeanor crime of violence committed – (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or (iv) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to — (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft (including housebreaking and safecracking).

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

Referrals for Discipline (Group B Offenses)

For Weapons, Drug, and Liquor Law Violations, Clery reportable crimes are those incidents only where arrests or disciplinary referrals occur.

Weapons Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of laws or ordinance prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor or furnishing liquor to minor. (Drunkenness and driving under the influence are not Hate Crimes (Group C Offenses).

CATEGORIES OF BIAS

The victim’s actual or perceived race, religion, sex, ethnicity, national origin, and disability.

A crime involving one or more of the above listed crimes, and the crimes of theft, simple assault, intimidation, and/or vandalism reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. **Larceny-Theft (Except Motor Vehicle Theft):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another (or attempts). **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.