

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
Midwestern Division  
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OCT - 5 1999

Jerald A. Tunheim, Ph.D.  
President  
Dakota State University  
Heston Hall  
Madison, South Dakota 57042-1799

Ref: 07982028

Dear Dr. Tunheim:

On June 19, 1998, Dakota State University (University), Madison, South Dakota, voluntarily submitted to the Office for Civil Rights (OCR), U.S. Department of Education (Department), a Resolution Agreement (Agreement) to resolve the procedural issue identified in the complaint referenced above. This Agreement provides that the University will modify its sexual harassment policy and grievance procedures using the Office for Civil Rights: Sexual Harassment Guidance dated March 13, 1997.

On October 19, 1998, OCR received: a copy of an article "Sexual Harassment: It's Not Academic" that will be published in the Dakota Access, the student newspaper; and e-mail "Sexual Harassment/Title IX", sent to all University staff; a copy of the University's web page containing a section titled "Sexual Harassment: A Guide for Faculty, Staff and Students"; and a copy of the University's "Faculty/Staff Handbook 1998-99" containing the grievance procedure available to faculty members and non-faculty exempt employees and the University's policy on the "Sexual Harassment and Other Forms of Harassment."

On November 23, 1998, OCR received a copy of Dakota Access "The Student Newspaper of Dakota State University" Volume V, Issue 4 containing an article, "Students and Harassment" and the University's "Sexual and Other Forms of Harassment DSU Policy 02-81-00."

On November 23, 1998, OCR received: a copy of "Mentor", a web page published by the University which contains a statement of the University's Title IX policy, including the

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name, title, address, and phone number of the assigned Title IX coordinator; and a copy of Dakota Access Volume V Issue 5, continuing the publication of the University's sexual harassment grievance procedure.

On January 4, 1999, OCR received a letter from the University dated December 30, 1998, in which the University reported, "There were no complaints of sexual discrimination during the period of August 24-December 23, 1998. There were no pending investigations; therefore, there were no corresponding findings or resolutions."

On June 1, 1999, OCR received a document dated May 28, 1999, from the University in which the University reported: "The University had no complaints of sexual discrimination, no completed investigations, and no pending investigations for the second half of the 1998-99 academic year; the University provided sexual harassment training to students new to the University through the mandatory Freshman Success Seminar, and to continuing students through a sexual harassment web page; the University plans yearly refreshers; and the Title IX coordinator completed training on conducting sexual harassment investigations.

Based on the above, OCR concludes that the University fully implemented the Agreement. OCR closed this complaint on the date of this letter.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the laws OCR enforces. If any individual is harassed or intimidated because of filing the complaint or participating in the investigation, the individual may file a complaint with OCR alleging such harassment or intimidation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions regarding this matter, please contact Ken Kern, Investigator, at (816) 880-4250 (voice) or (816) 891-0582 (telecommunication device for the deaf).

Sincerely,



John E. Nigro  
Associate Director