

CORRECTION

Freshman Lindsey Spencer joined Phi Mu Sorority on Monday. Because of a reporting error, the story on sorority Bid Day in Tuesday's Daily Nebraskan misidentified the sorority.

Daily Nebraskan

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UNL dismissed from Hibler lawsuit

■ Judge says university officials did not know of past discrimination or harassment.

BY KIMBERLY SWEET
Senior staff writer

UNL won't have to go to trial over a lawsuit involving fired English assistant professor David Hibler, a U.S. Senior District judge decided Friday.

U.S. Senior Judge Warren Urbom dismissed the University of Nebraska-Lincoln from a lawsuit brought forth in February 1998 against Hibler and the NU Board of Regents by Valerie Giunca, a former student of Hibler.

In his decision, Urbom wrote that UNL officials had no knowledge of previous discrimination or harassment of students by Hibler before Giunca filed a complaint with the UNL's Affirmative Action Office in November 1996.

In her lawsuit, Giunca alleged that

Hibler sexually harassed and assaulted her while she was enrolled in an independent study course and working with the former professor on a seminar in the fall of 1996.

Giunca also alleged that UNL officials had knowledge of Hibler's behavior, mishandled harassment charges and failed to provide a safe environment for her when she filed a complaint.

While she was a student in Hibler's class, Giunca said she felt uncomfortable around the professor because of his questions and conduct. While they were working together on a seminar, Giunca alleged that Hibler invited himself over to her house, stayed for several hours and sexually assaulted and harassed her.

Giunca also alleged that it was well-known by UNL officials that Hibler's behavior had the potential to end in sexual harassment, and they didn't respond.

Urbom said in his decision that prior to the two complaints filed by Giunca and another female student in December 1996, there were no complaints of sexual harassment or dis-

crimination filed in the Affirmative Action Office against Hibler.

The judge determined that once the Affirmative Action Office received a complaint of the alleged harassment, UNL officials took the appropriate steps to respond to Giunca's charges in a timely fashion.

Urbom wrote: "UNL did not turn a blind eye and act with deliberate indifference once it became aware of allegations of sexual harassment against Dr. Hibler."

Lincoln Attorney David Buntain, who represented the NU Board of Regents, said he felt the judge made the right decision.

"Obviously the university is always concerned about allegations of sexual harassment," Buntain said. "But the judge found that once the university found out, it took action."

Giunca's lawyer, Carole McMahon-Boies, was out of town and could not be reached for comment about the decision.

While dismissing the charges against the university, Urbom said the ruling did not exonerate or excuse Hibler's actions.

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