

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

WILLIAM J. SWEENEY,)	ORDER DIRECTING ISSUANCE OF
Appellant,)	JUDGMENT OF AFFIRMANCE
)	
vs.)	#30602
)	
SOUTH DAKOTA BOARD OF)	
REGENTS and the UNIVERSITY OF)	
SOUTH DAKOTA,)	
Appellee.)	

The Court, having considered the briefs filed in the above-entitled matter, together with the appeal record, including the missing Exhibit B offered at the administrative hearing and later submitted to this Court via stipulation of the parties, concludes that a summary disposition, pursuant to SDCL 15-26A-87.1(A), is warranted. As to each grievance, the Court has determined that the South Dakota Board of Regents (Board) did not err in its conclusions of law relating to the University's interpretation and application of the governing Board of Regents and University of South Dakota policies. The Court has further determined that the Board's findings of fact related to the matters at issue in this appeal, are not clearly erroneous.

As to the third grievance, this Court further concludes that even if Dr. Sweeney produced evidence supporting a prima facie case of retaliation, the University produced evidence of legitimate nonretaliatory reasons for his new work assignments, and neither the

Board nor the circuit court erred when determining that Dr. Sweeney failed to meet his burden of proving that these reasons were merely pretextual. See *Davis v. Wharf Resources (USA), Inc.*, 2015 S.D. 61, ¶¶ 27-30, 867 N.W.2d 706, 716-717 (applying the *McDonnell Douglas* burden shifting analysis when reviewing an administrative ruling pertaining to a retaliation claim).

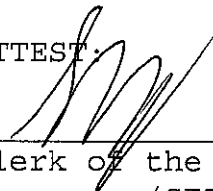
Because the circuit court did not err when it affirmed the Board's rulings on the issues raised in this appeal, it is, therefore,

ORDERED that a judgment of affirmance be entered forthwith.

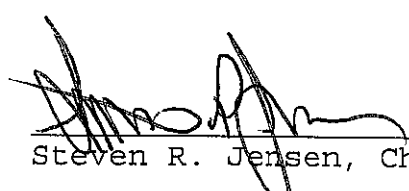
DATED at Pierre, South Dakota, this 12th day of November, 2024.

BY THE COURT:

ATTEST:



Clerk of the Supreme Court
(SEAL)



Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

NOV 12 2024


Clerk