Charges against university student accused of rape dismissed

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SIOUX FALLS (AP) — Authorities have dismissed charges including rape against an Augustana University student who was suspended after he was arrested and later unsuccessfully sued the school.

Koh Evan Tsuruta was charged with second-degree rape, simple assault and false imprisonment after he was accused of raping a woman who he had been drinking with in July 2015.

The case recently was dismissed without prejudice, which means prosecutors have the option of filing charges again at a later date, Minnehaha County prosecutor Amanda Eden told the Argus Leader.

Eden declined to comment on the circumstances surrounding the case's dismissal.

Immediately after Tsuruta was arrested, Augustana University suspended him and began a 60-day disciplinary process, which could've ended with an expulsion.

Tsuruta sued the university, claiming it was violating his rights by moving to expel him before he had a chance to defend himself in court, and he called on the school to halt the proceedings to expel him until his criminal case was resolved. A federal judge denied his request and the lawsuit was dismissed.

About a month after the alleged incident, Tsuruta's accuser told Sioux Falls police that he raped her on July 3 after they drank at a local bar and returned to his apartment, according to the arrest affidavit.
Augustana's handling of the case brought up concerns from people who felt Tsuruta's due process rights were violated by the disciplinary process.

Jonathan Taylor, founder and director of Boys and Men Education, believes it's problematic that the due process afforded to criminal defendants isn't the same as the due process of a student in a school proceeding.

He believes it's only a matter of time before the Department of Education is forced to review its policy regarding investigations into reports of sexual assaults, because lawsuits similar to the one filed by Tsuruta are coming up more frequently.

"The resistance to these is gaining substantial traction," Taylor said. "I should expect by 2017 we are going to see serious changes being considered at the federal level."

University officials declined to comment about whether Tsuruta would be allowed to return to school.