



## MU Health Care cited in letter

### Agency alleges serious issues.

By Janese Silvey

Wednesday, October 24, 2012

**The Centers for Medicare and Medicaid Services is investigating University of Missouri Health Care after external surveyors found major problems.**

"These deficiencies have been determined to be of such serious nature that the University of Missouri Health Care is not in compliance with" federal regulations, CMS said in a letter to Jim Ross, chief executive officer of the health system.

The list outlining those deficiencies will not be made public until hospital administrators have had a chance to respond, spokeswoman Mary Jenkins said.

The letter, received yesterday, says hospital administrators have 10 days to submit a plan to correct deficiencies if they opt to do so. Otherwise, the state will request a plan after an upcoming site visit.

In the meantime, the agency has placed the hospital under the state's survey jurisdiction. That is allowable when "there is a substantial allegation of a serious deficiency or deficiencies which would, if found to be present, adversely affect the health and safety of patients," the letter says.

It's the latest in a string of incidents university health care administrators have been grappling with this year.

Last month, the Joint Commission, an external accrediting agency, wrapped up a separate review of the Ear, Nose, Throat and Allergy Center. That investigation was prompted by patient complaints about mishandling shipments of allergy vials.

Administrators, in their response to the allegations, acknowledged that a package of mixed allergens was sent to the wrong patient earlier this year and that in one instance a vial contained an incorrect expiration date.

Administrators also acknowledged several cases in which vials of allergy drops had leaked and were not full by the time they reached patients' homes. Jenkins said the latter has been corrected through education.

The ENT and Allergy Center also has stopped mailing allergy shot vials to patients' homes, instead making patients come to the clinic or a physician for shots. Patients are being notified of that change, Jenkins said. Those who receive allergy drop vials in the mail won't be affected.

This summer, MU's School of Medicine fired two radiologists over billing fraud charges. Kenneth Rall — who had been MU's second-highest-paid employee — and Michael Richards were certifying that they performed services that actually were being performed by resident physicians. As of June, the two were under investigation by the U.S. Department of Justice. Medical school Dean Bob Churchill is retiring this month.

Ross is retiring at the end of this year. He told the Tribune in August that his five-year contract is expiring and that his retirement is not related to the radiology scandal.

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## Ruling revives professor's discrimination suit against MU

By Janese Silvey

Wednesday, October 24, 2012

**A gender discrimination lawsuit against the University of Missouri was resurrected yesterday when Missouri's Western District Court of Appeals reversed a summary judgment entered by Boone County Circuit Judge Jodie Asel last year.**

Loreen Olson's lawsuit against MU and Michael O'Brien, dean of the College of Arts and Science, "is alive," her attorney, George Smith, said. "All parts of the case are alive."

Olson sued in September 2010, several months after O'Brien withdrew her appointment as chairwoman of the communications department.

Last fall, Asel sided with UM attorneys when she ruled that Olson did not actually have a contract to become chairwoman, a partial summary judgment that essentially negated the rest of her lawsuit claiming a breach of contract.

The appellate panel reversed that decision, saying whether Olson had a contract could be disputed and should be up to the trial court to figure out.

Olson — who has since left MU and now works at the University of North Carolina at Greensboro — was the only faculty member who sought the communication chair position after former chairman Michael Kramer left for a position in Oklahoma.

O'Brien confirmed the appointment in a May 4 letter, saying she would serve a three-year term and outlining her salary. Olson accepted the post but questioned in a follow-up email whether she could also receive a stipend, research money and extra pay for work she would take on before her effective date.

When O'Brien denied all but one request, Olson asked again with more explanation. That's when O'Brien withdrew the appointment, citing irreconcilable differences, and appointed Michael Porter to the position.

The question now is whether the May 4 letter, which O'Brien signed, was only an offer or served as a contract. Smith believes it was the latter because it outlined essential terms of the job.

Asel also will hear other claims in the lawsuit, including complaints that MU fails to pay women at the same levels male counterparts are paid.

Olson is seeking back pay and benefits, the value of pension at the salary level she would have been paid as department chairwoman, and reimbursement for court costs, as well as \$500,000 in punitive damages for stress and damage to her professional reputation.

UM spokeswoman Jennifer Hollingshead said administrators would not comment on the court's ruling.

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# COLUMBIA MISSOURIAN

## **MU Faculty Council to discuss voting rights for non-tenure-track faculty**

By Stephanie Ebbs

October 24, 2012 | 7:37 p.m. CDT

**COLUMBIA – Right now, about 36 percent of full-time assistant, associate and full professors at MU are not allowed to vote in decisions affecting university policies, according to data from MU Institutional Research.**

**On Thursday, the MU Faculty Council will discuss a proposal to expand the University of Missouri System Collected Rules and Regulations' definition of "faculty" to include these non-tenure-track, or NTT, faculty.**

This change would allow a revision in the Faculty Council's Rules of Order, allowing the NTT faculty representatives to vote in council matters. It also would allow NTT faculty to vote in campuswide decisions previously limited to tenured and tenure-track faculty.

The Faculty Council is an elected body that represents all MU faculty to the public and university administrators, including the University of Missouri System Board of Curators. The administration and faculty share governance of the university, with the faculty having primary responsibility over curriculum and scholarly matters. The Collected Rules and Regulations give the council authority to propose revisions to the faculty bylaws, refer any matter to the full faculty for a vote and appoint special committees.

Non-tenure-track faculty members are those who were hired under one- or three-year contracts and don't have the potential to get tenure. This portion of the faculty has grown in recent years while the number of tenure-track faculty has not increased. NTT faculty teach 24 percent of student credit hours at MU, according to Institutional Research.

### **Rights vary by campus**

The discussion around this issue has been going on at MU for years, but this is the first time a formal proposal has been brought to the council. MU and the University of Missouri-St. Louis don't allow NTT faculty to vote; the University of Missouri-Kansas City and Missouri University of Science and Technology do. Gary Ebersole, chairman of UMKC's Faculty Senate,

said non-tenure-track faculty there have been voting members for 25 years. At UMKC, any faculty member eligible for benefits is considered full faculty and allowed to vote.

"To exclude them just doesn't make sense to me," Ebersole said. "They work hard. If they, being low-paid, want to participate in shared governance, they should." At the end of 2011, MU had 1,949 full-time faculty members; 708 were non-tenure-track, according to MU Institutional Research.

The MU School of Medicine had 334 non-tenure-track faculty at the end of 2011, significantly more than any other school. Robin Kruse is a non-tenure-track associate research professor and chairwoman of the School of Medicine Faculty Affairs Council. She said she learned the details of the proposal Tuesday and is generally positive about it.

"We discussed changing the definition of faculty to be more inclusive," Kruse said, referring to the School of Medicine's council. Many members had positive views of a more inclusive definition, she said, but there were a few concerns about the erosion of tenure and what it means to be faculty.

### **Current NTT representatives**

Under the proposal, NTT faculty would continue to have four representatives on the MU Faculty Council. Current representatives stand for different categories of non-tenured positions.

- Nicole Monnier represents the NTT teaching faculty. Monnier is an associate teaching professor of Russian and director of undergraduate studies in the German and Russian Studies Department. She has been at MU since 2000 and serves as chairwoman of the council's academic affairs committee.
- Katherine Reed represents clinical and professional-practice faculty members who work directly with students in a more hands-on environment. Reed is an associate professional-practice professor in the School of Journalism, which has the second-largest number of non-tenure-track faculty behind the School of Medicine.
- Sam White represents faculty in MU Extension, where he is an assistant professor in the Labor Education Program. Extension focuses on outreach in areas such as nutrition and agriculture.
- Richard Guyette represents the NTT research faculty. Guyette, a research professor of forestry, directs the Missouri Tree-Ring Laboratory and teaches courses in the School of Natural Resources.

## **Balance of representation**

Although the four NTT representatives to the Faculty Council support the proposal, Monnier said she would like to see more discussion about the representation part of the proposal in the future. More than one-third of faculty are non-tenure-track, but the four seats represent 11 percent of the seats on the 36-member council.

"I'm generally optimistic that there's going to be support for extending voting rights on campus to non-tenure-track faculty," Monnier said. "I don't know what's going to happen with the other part, what non-tenure-track representation is going to look like."

Kruse said she supports the proposal as it is, but would ideally like all representatives to be chosen based on their credentials, not their titles.

Monnier said she would like to see NTT faculty participate in the same nomination process as tenure-track, in which all Faculty Council seats would be open to all faculty. However, Monnier said it is more likely the resolution will pass with the current setup.

## **Job protection**

Part of the concern regarding non-tenure-track faculty is that they don't have tenure to protect what they say about campus issues. Tenure is unique to academia; it is a permanent position created as job protection so faculty can speak freely in an academic setting.

The concern is that if non-tenure-track faculty members were too outspoken or voted a certain way, there could be retaliation in their contracts. Fear of repercussions might prevent them from voting impartially.

"There's a real concern for the vulnerability of NTT folk — that we are not protected by tenure, academic freedom issues, the fear that we are more vulnerable to pressure," Monnier said.

Stephen Montgomery-Smith, a mathematics professor, is chairman of the committee that drafted the proposal. He shared this concern but said the possibility of being influenced extends to all faculty, even those with tenure.

"I see voting as a responsibility rather than a right, and it needs to come with a certain measure of job protection for the people wielding the vote. Otherwise, the vote could be threatened," Montgomery-Smith said.

"On the other hand, tenured faculty, in my opinion, have not exercised that responsibility terribly well," he continued. "It would not surprise me if the NTT faculty actually did a better job." An example he gave of poor faculty participation was the vote to introduce a diversity course requirement in May 2011. Despite support from the council and positive feedback from the campus, only 35 percent of tenured and tenure-track faculty voted for or against the proposal. It was defeated by 23 votes.

### **Some prioritize research**

Although the proposal hasn't come before the council yet, it has received the support of faculty members in the School of Journalism. At the school's October faculty meeting, a vote in favor of the proposal was unanimous among the 48 people there.

"It's not at all surprising to me, but very heartwarming, that the Journalism School was able to pass that resolution," Monnier said. "In Arts and Science, it's a different ball game. There are a lot of us in A&S, but I don't think we necessarily command the same respect."

Monnier said that because MU is a highly recognized research institution, some faculty think the research mission takes priority over teaching and service.

"There are faculty who believe that research is what defines faculty status, that if you're not a researcher and contributing to that larger scholarly mission, then you are not fully a part of the faculty," Monnier said. A letter from the four NTT council representatives was sent to all NTT faculty at MU on Tuesday explaining the proposal.

"As your NTT reps, we need to be able to represent your interests," the letter states. "We also need to rely on you for a sense of your own faculty and the likelihood of their support for any of these proposals. Ranked NTT faculty are treated differently by division, and even by department within those divisions."

Monnier and Montgomery-Smith both said they hope the conversation is honest and productive. The meeting begins at 3:30 p.m. Thursday in Room S-203 in Memorial Student Union.

If the measure is passed by the Faculty Council later on, it will go to tenured and tenure-track faculty campuswide for a vote.

*Supervising editor is Elizabeth Brixey.*



## **MU athletics audit reveals credit misuse**

### **Video employee ran up charges at Vegas club.**

By ALAN SCHER ZAGIER The Associated Press

Wednesday, October 24, 2012

The Missouri athletic department is tightening employee use of school-issued credit cards after an audit found a series of improper purchases, including bills for more than \$7,600 from a Las Vegas strip club.

Department spokesman Chad Moller said yesterday that director of video operations Michael Schumacher had repaid \$7,605.50 for two credit charges from a May 5, 2011, visit to Olympic Garden. One of the charges included a \$2,000 tip on a \$4,400 bill at a nightclub billed as the "only Vegas strip club on the Strip."

Schumacher was representing MU at a professional conference but traveled alone, Moller said. He said "responsive and appropriate disciplinary action was taken" but that he was unable to elaborate on a personnel matter. Schumacher did not respond to several messages seeking comment that were left at his home and campus office.

The athletic department was aware of Schumacher's improper charges before the audit was presented to the university's Board of Curators last month, Moller said, and Schumacher is still employed by the athletic department.

"It's not like the audit discovered all of this," Moller said. "That was being dealt with internally before the audit came out."

The Aug. 14 Pricewaterhouse Coopers audit — part of a routine and periodic review of university business functions — also flagged nearly \$3,000 in charges by former men's basketball director of operations Jeff Daniels, who now works at the University of Arkansas under former Tigers Coach Mike Anderson.

Daniels billed the school for two charges of \$1,489.54 each at the Vince Young Steakhouse in January 2011 in Austin, Texas. There is a \$2,500 transaction limit. Those charges were for a team meal, both he and Moller said. Moller estimated the traveling party consisted of approximately 30 people, including coaches, team members and support staff, meaning an average dinner cost of nearly \$100 per person.

Most of the remaining 85 purchases auditors singled out involved much smaller amounts, from Federal Express invoices to three-ring notebooks for athletes' academic support. There was a \$77.83 purchase of flowers for Athletic Director Mike Alden.

Each of the comparatively few personal purchases made by employees on university purchasing cards was repaid, Moller said.

"We're very happy with the results of the audit," he said. "Keep in mind that during the time period of the review, athletics had close to 14,000" purchasing "card purchases." The flagged charges "represents a very small percentage."

The university has deactivated 32 credit cards out of the 120 that had been issued to athletic department employees before the audit, Moller said.

He didn't have a specific breakdown of which departments within athletics and which employees were stripped of cards.

"Do four people from the same office really need a card? Or can you cut that down?" he said. "The general consensus was you can cut that down and reduce your risk."

An audit summary was presented to the university's Board of Curators at its September meeting in Columbia.

The Associated Press obtained a copy of the complete report as well as the documents related to the improper charges through a public-records request.

The audit also recommended that Missouri tighten its procedures for giving away free tickets and accounting for unused tickets to campus sporting events. The report noted that while Alden and his compliance office are in charge of ticket giveaways and two ticket managers assist Alden with reconciling those lists after games, an independent review is preferable.

The audit determined that "some users with access to the ticketing system also have custody of tickets and control the reconciliation process," which increases "the risks that the reconciliations could be manipulated and unauthorized tickets could be distributed."

The issue of athletic ticket office oversight is a familiar one in the Big 12 Conference, Missouri's previous affiliation. At the University of Kansas, seven athletics officials were convicted for profiting from the unlawful sale of Jayhawks season tickets to ticket brokers.

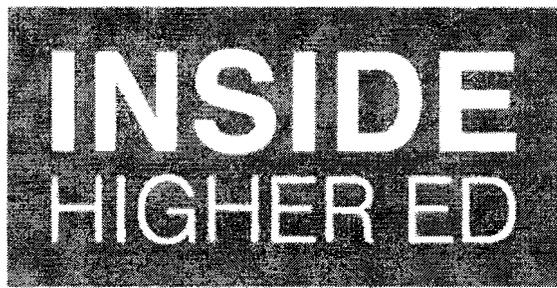
Missouri athletics responded to the audit's ticket office findings by now having its business office "conduct an independent reconciliation at the end of each sport season," Moller said.

Employees also are on notice. An undated document provided to the AP notes that "personal use of purchasing cards" is "being tracked and reviewed with more scrutiny."

"It is not OK to just collect reimbursement after personal use," the document said. "Enforcement of misused cards will result in a range of consequences from reduced limits, suspended and canceled card use and human resource personnel actions being taken when deemed necessary."

Tribune reporter Dave Matter contributed to this story.

This article was published on page A1 of the Wednesday, October 24, 2012 edition of The Columbia Daily Tribune. [Click here to Subscribe.](#)



insidehighered.com

**Audit: Mizzou Athletic Official Charged \$7,600 at Strip Club**

October 25, 2012 - 3:00am

**An audit of the athletic department of the University of Missouri at Columbia has found \$7,600 in charges to a Las Vegas strip club, *The Kansas City Star* reported.** In one case, the bill was \$4,400 but the university official who made the charges -- Michael Schumacher, the director of video operations -- added on a \$2,000 tip. Missouri officials said that Schumacher repaid the money, and regrets the incident, and that he faced disciplinary action.

## UM System campus representatives to develop new strategy plans

By Keith Reid-Cleveland

October 24, 2012 | 6:01 p.m. CDT

COLUMBIA — **Representatives from the University of Missouri System and its four campuses will meet to develop strategy statements for each campus at group workshops Thursday and Friday in St. Louis.** Innosight, an innovation consulting firm from Boston, will lead the workshops.

Each campus selected faculty and staff to attend the workshops to "refine and define" each campus' strategy and focus for the next five years, UM System spokeswoman Jennifer Hollingshead said. Last week, system administrators spoke about the system taking strides to create a new strategic plan. The four campuses will continue their strategy statements at the workshop.

"Our plan is a flexible work-in-progress," MU Provost Brian Foster said. "One of the most important elements in any strategic plan is to evaluate the environment and include all of the outside partnerships as a plan is developed. For MU, this means working with our elected officials who represent us, our corporate partners and our research sponsors."

Innosight has offered consultation for Amazon, Google and Novell, a software company in Waltham, Mass.

Before joining the UM System in December 2011, UM System President Tim Wolfe served as vice president and president of Novell, where he "played a key leadership role in creating a new strategy" for the company, said former Novell president and CEO Ron Hovsepian in a previous Missouriian article.

Based on documents provided at the Oct. 16 UM Board of Curators meeting, the workshops are designed to lead to new strategy plans at the campus level, which will be reviewed by Innosight representatives for refining.

The new strategy statements will then go to the curators for review at its meeting on Dec. 6 and 7 at the University of Missouri-St. Louis.



## Chamber endorses tobacco tax increase

Wednesday, October 24, 2012

The Proposition The Columbia Chamber of Commerce has endorsed the tobacco tax increase measure that voters *will be asked to approve Nov. 6.*

B amendment "would positively influence statewide public education from elementary to higher education," Randy Coil, chairman of the chamber's Board of Directors, said in a statement. **"In addition, the University of Missouri College of Medicine could possibly benefit from allocation of this tax fund for the expansion of their role in the state of Missouri."**

If the tax hike is approved, MU is expecting to use a portion of the money to help expand medical school facilities on campus, allowing administrators to open up more student seats.

Additionally, Columbia Public Schools could receive as much as \$4 million from the new revenue.

Proposition B would increase the state tax on cigarettes from 17 cents a pack to 90 cents a pack and increase taxes on other tobacco products. Opponents say that's too hefty an increase and warn that there's no guarantee schools will see a spike in state funding.

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