The Frank Haith saga begins

In the 18 months since Yahoo! Sports released its bombshell report on Miami booster and Ponzi schemer Nevin Shapiro, Frank Haith has settled into a new job, dealt with widespread criticism of his hire, adjusted from last year's season-ending injury to forward Lawrence Bowers, and led that undersized but veteran Missouri team to a sublime 30-5 record and a Big 12 tournament title. He also led the nation's most efficient offense, lost to a No. 15 seed in the first round of the NCAA tournament, recruited arguably one of the greatest transfer classes in modern history, and reloaded for another run around point guard Phil Pressey.

Through all of this -- success and failure on the basketball court, recruiting offers and personnel decisions, the normal stuff of a day-to-day coaching career -- it was easy to forget one simple thing: The reigning AP National Coach of the Year was doing it all on borrowed NCAA time.

It may have taken over a year, but the ever-deliberative NCAA Committee on Infractions is reportedly finishing up its investigation, and is expected to begin dispersing notices of allegations as early as this week. And as CBS's Jeff Goodman reported Monday afternoon, that could be very bad news for Haith and the Tigers:

A source close to the situation told CBSSports.com that former Hurricanes and current Missouri basketball coach Haith is expected to be charged with unethical conduct and failure to promote an atmosphere of compliance. [...] 

The source told CBSSports.com that the NCAA was unable to prove the allegation from Miami booster Nevin Shapiro that Haith or anyone on his staff paid $10,000 to a family member of former player DeQuan Jones. However, Haith will be charged with unethical conduct because the NCAA did not believe his story that payments to his assistants intended for camp money did not wind up going to repay Shapiro, who made the allegations to Yahoo! Sports back in August 2011. A source said that the money was delivered to Shapiro's mother, who verified the payment to the NCAA.

Haith will also be charged with a failure to promote an atmosphere of compliance due to impermissible airline travel that was given to the family of two players from a member of his staff and also the interaction between Shapiro and players while on visits.

On Monday afternoon, Haith told ESPN.com in a text message that he had not yet heard from the NCAA. "We are in constant contact [with] the NCAA but we have not yet received a notice of allegations," Haith wrote.
There are a couple of things to keep in mind here:

1. The worst charge Shapiro alleged of Haith was that he essentially paid $10,000 to former player DeQuan Jones' family. The NCAA could find no proof of that; instead, it is pursuing the unethical conduct charge because the NCAA believes that payments to assistants Haith said were for basketball camps ended up in Shapiro's hands, according to CBS.

2. A notice of allegations is just that -- a notice of allegations. Haith will have up to 90 days to respond, then would meet with the NCAA Committee on Infractions. From there, the organization has six months to decide on a penalty.

3. A show-cause penalty is not a ban. If, by the time that process is over, the NCAA does indeed decide to punish Haith with a show-cause penalty -- and that's a big, futuristic if - Missouri is not necessarily required to fire its coach. All a show-cause does is establish that any NCAA member institution must abide by the penalties given to a coach when he was at another institution. The Tigers could appeal to the NCAA and make a case as to why they don't feel they should be punished in accordance with Haith's former school, and maybe that argument would be convincing.

Even with those procedural caveats out of the way, even at this early date ... it's bad. Haith will work hard to clear his name, and Missouri will work hard to make sure the coach it has experienced so much early success with is able to remain in his position, but a show-cause penalty is brutally prohibitive for a reason.

If the NCAA goes that way -- and their recent harsh stance toward rules violators, particularly those who engage with third-parties or commit ethics no-nos, suggest they will be just as harsh going forward -- then Missouri may have no choice.

They'd be in the same situation as Tennessee was with its highly successful coach, Bruce Pearl, who had similar ethical charges thrown his way by the NCAA for initially lying about a secondary violation that took place at his house.

If you're reading this blog, you know how it turned out for Pearl.

Will Haith suffer a similar fate?
Report: Frank Haith faces notice of NCAA allegations

Nicole Auerbach, USA TODAY Sports
8:34 a.m. EST January 22, 2013

Story Highlights

- Notice stems from investigation into claims by former Miami booster Nevin Shapiro
- Haith is currently in his second season at Missouri, ranked No. 22 this week
- Penalties for the infractions remain unclear

The NCAA’s nearly two-year investigation into Miami’s athletics department is about to hand former men’s basketball coach Frank Haith some bad news, according to a report by CBSSports.com.

The site reported Monday afternoon that the NCAA is expected to release a notice of allegations as early as this week, and that in it, Haith is expected to be charged with unethical conduct and failure to promote an atmosphere of compliance. Haith is currently in his second season as head coach at Missouri.

The NCAA’s Stacey Osburn said the organization did not have a comment at this time.

It remains unclear what the penalty for those charges will be, but CBSSports.com’s Jeff Goodman suggests the unethical conduct aspect could elicit a multiple-year show-cause penalty, similar to that of former Tennessee coach Bruce Pearl’s (when he was charged with unethical conduct in 2011).

Haith’s charges stem from an allegation from former Miami booster Nevin Shapiro — who is at the heart of the NCAA investigation — that a member of Haith’s staff paid $10,000 to the family of DeQuan Jones, a former player. Yahoo! Sports initially reported the allegation.

Shapiro is in federal prison, serving a 20-year sentence for masterminding a nearly $1 billion Ponzi scheme.
CBSSports.com is now reporting that the NCAA was unable to prove that allegation, but the NCAA did not believe Haith's story that payments to his assistants intended for camp money did not end up repaying Shapiro.

The "failure to promote an atmosphere of compliance" charge stems from impermissible airline travel given the family of two players and the interaction between Shapiro and players while on recruiting visits, according to CBSSports.com.

Haith, who coached at Miami from 2004-11, led Missouri to a 30-4 record and a No. 2 NCAA tournament seed last season. The Tigers were upset by 15-seed Norfolk State in the round of 64.

Three of Haith's former Miami assistants — Jake Morton (now at Western Kentucky), Jorge Fernandez and Michael Schwartz (currently at Fresno State) — are also expected to receive unethical conduct charges, according to CBSSports.com.

Two assistant coaches still at Miami also have been told they will be charged with unethical conduct, two people familiar with the situation told the Associated Press on Monday. The people spoke to The Associated Press on condition of anonymity because neither the NCAA nor Miami have announced the contents of the long-awaited letter.

The people say the coaches will be cited for violating NCAA bylaw 10.1, a broad rule that covers conduct and cooperating with investigations. One of the coaches has been told to expect arrival of an actual copy of the allegations on Tuesday, one person told the AP.

The AP report does not say in which sport or sports the assistant coaches work.

Earlier this month, Miami coach Al Golden said he did not expect the university to be surprised by the NCAA's findings. Several people involved in the investigation said Miami has had representation at many interviews the NCAA conducted with persons it found to be of interest.

Whenever the actual letter arrives, Miami's receipt of the notice of allegations will usher in the start of the sanctions phase.

And that could take months - meaning actual penalties may not be handed down until this summer, or later.

Typically, schools and individuals named in the notice of allegations have 90 days to file a response to the NCAA's findings, all of which would be reviewed by the committee on infractions - which operates separately from the NCAA's investigative arm.

Some of the sanctions have already gone into effect, since they were self-imposed. Miami's football team has missed three postseason games - two bowl games and what would have been an appearance in this season's Atlantic Coast Conference championship game - in response to the investigation, and Golden is holding back a number of scholarships from the 2013 roster as well.
Missouri's Haith faces NCAA notice of allegations in Miami-Shapiro case

The NCAA is expected to release a notice of allegations as early as this week regarding the Miami investigation. A source close to the situation told CBSSports.com that former Hurricanes and current Missouri basketball coach Frank Haith is expected to be charged with unethical conduct and failure to promote an atmosphere of compliance.

Haith's unethical conduct could result in a multiple-year show-cause penalty. Former Tennessee coach Bruce Pearl received a three-year show-cause penalty after being charged with unethical conduct back in 2011 when he initially wasn't forthcoming about hosting recruits at his home on unofficial visits -- which is against NCAA rules.

The source told CBSSports.com that the NCAA was unable to prove the allegation from Miami booster Nevin Shapiro that Haith or anyone on his staff paid $10,000 to a family member of former player DeQuan Jones. However, Haith will be charged with unethical conduct because the NCAA did not believe his story that payments to his assistants intended for camp money did not wind up going to repay Shapiro, who made the allegations to Yahoo Sports back in August of 2011. A source said that the money was delivered to Shapiro's mother -- who verified the payment to the NCAA.

Haith will also be charged with a failure to promote an atmosphere of compliance due to impermissible airline travel that was given to the family of two players from a member of his staff and also the interaction between Shapiro and players while on visits.

The source also said the three assistants previously on Haith's staff -- Jake Morton, Jorge Fernandez and Michael Schwartz -- each will receive unethical conduct charges. Morton is currently at Western Kentucky, Fernandez left Marshall after last season and Schwartz is on the Fresno State staff.

Those involved in the case will have up to 90 days to respond in writing before a hearing in front of the Committee on Infractions, which likely will be held in mid-June. A decision on the penalties will be handed down to Haith, his staff and those involved in the football aspect of the investigation anywhere from 4-6 months after the hearing. The notice of allegations was expected to be released as early as Tuesday, but a source told CBSSports.com that it could be withheld for another week or two possibly because of procedural questions.

"With everything that's happened recently with the Shabazz Muhammad case, the Todd McNair case in football, the governor of Pennsylvania suing the NCAA and the NCAA firing a lead investigator in this
case, they want to make sure on this one," the source said.

The investigation began nearly two years ago after Shapiro, who is currently serving a 20-year prison sentence for a $930 million Ponzi scheme, told Yahoo Sports that he gave thousands of impermissible benefits, primarily to football players, from 2002 to 2010.
AP: Ex-Miami Hurricanes coaches know of allegations

MU MENTION PAGE 2

CORAL GABLES -- Two former Miami assistant coaches have been told they will be charged with "unethical conduct" when the NCAA presents the Hurricanes' athletic department with its notice of allegations, said two people familiar with the situation.

The people spoke to The Associated Press Monday on condition of anonymity because neither the NCAA or Miami have announced the contents of the long-awaited letter, which the Hurricanes may receive at any time. The people say the coaches will be cited for violating NCAA bylaw 10.1, a broad rule that covers conduct and cooperating with investigations. One of the coaches has been told to expect arrival of an actual copy of the allegations on Tuesday, one person told the AP.

Parties who are named in the notice of allegations are entitled to a copy, though it is unclear if all will receive the letter simultaneous to its delivery at Miami. It's unknown how many current and former coaches and staff members will be charged with wrongdoing.

The NCAA does not comment on ongoing investigations. Miami officials have said throughout the investigation, which started in 2011, that the school is cooperating with the NCAA and will decline extensive public comment out of respect to that process.

The people told the AP that Miami still has not seen a final version of the notice of allegations, the arrival of which will essentially bring just the first chapter of this Miami-NCAA saga to a close. Several people involved with the process have either reviewed draft documents or been advised of their upcoming mentions in telephone calls with investigators. Most of those calls took place last week.

Another individual who was interviewed during the joint inquiry told the AP that the NCAA has not been in contact since. That suggests not everyone who at one time was thought to be under investigation will not actually be mentioned in the notice of allegations.
Earlier this month, Miami coach Al Golden said he did not expect the university to be surprised by the NCAA's findings. Several people involved in the investigation said Miami has had representation at many interviews the NCAA conducted with persons it found to be of interest.

A CBSSports.com report published Monday said that the NCAA could not prove former booster and convicted Ponzi scheme architect Nevin Shapiro's claim that former Miami men's basketball coach Frank Haith or a member of his Miami staff paid $10,000 to the family of former Hurricanes' player DeQuan Jones. Shapiro has said that he provided that money.

Jones was suspended by Miami last season after Shapiro's claims were published in August 2011 by Yahoo Sports, then ultimately allowed to return to the team.

CBSSports.com also said Haith will face the "unethical conduct" charge because of inconsistencies the NCAA found in his account of Jones' recruitment. CBSSports.com also said Haith will be charged with "failure to promote an atmosphere of compliance" because relatives of two players were given impermissible airline travel.

"The University has been in communication with the NCAA regarding their ongoing efforts related to the University of Miami investigation," Missouri said in a statement. "Coach Haith and the University of Missouri continue to cooperate fully. However, we are not at liberty to comment further out of respect for the NCAA process."

One of those players, current senior Reggie Johnson, was suspended for a game last season after Miami and the NCAA found members of his family accepted what they called "impermissible travel benefits." And guard Durand Scott, the Hurricanes' leading scorer, was for the end of last season and the start of this season after he was also found to have gotten unspecified extra benefits.

Whenever the actual letter arrives, Miami's receipt of the notice of allegations will usher in the start of the sanctions phase.

And that could take months - meaning actual penalties may not be handed down until this summer, or later.

Typically, schools and individuals named in the notice of allegations have 90 days to file a response to the NCAA's findings, all of which would be reviewed by the committee on infractions - which operates separately from the NCAA's investigative arm.

Some of the sanctions have already gone into effect, since they were self-imposed. Miami's football team has missed three postseason games - two bowl games and what would have been an appearance in this season's Atlantic Coast Conference championship game - in response to the investigation, and Golden is holding back a number of scholarships from the 2013 roster as well.

Shapiro, the former booster, is serving a 20-year sentence in federal prison for masterminding a $930 million Ponzi scheme. Virtually all of the individuals who were named by Shapiro in his
detailed claims that were published by Yahoo Sports are no longer at the university, and several of the people to whom the NCAA wanted to talk simply refused during the inquiry.

The NCAA inquiry started several months before that August 2011 article.
Haith calls report on allegations premature

4 hours ago • By Vahe Gregorian vgregorian@post-dispatch.com 314-340-8199

COLUMBIA, Mo. • Shortly after practice Monday afternoon, Mizzou coach Frank Haith read the CBSSports.com report citing an unnamed source saying Haith is expected to be charged with “unethical conduct and failure to promote an atmosphere of compliance” at Miami as part of the NCAA’s impending notice of allegations against his former school.

Yet as of 6:55 p.m. Monday, just before Haith’s weekly “Tiger Talk” radio show, he said that neither he nor his attorneys had received any such notice and that it would be premature to comment on the CBSSports.com report.

He echoed the thought as he went on-air, adding, “We're in constant contact with the NCAA all the time about this case, (and) … it’s inappropriate for me to say anything other than just that.”

If such charges are forthcoming and Haith is unable to successfully appeal them, his job at MU will be in jeopardy for cause.

A contractual clause stipulates Mizzou can terminate him “for any behavior of the employee that brings him into public disrepute, contempt, scandal or ridicule or any behavior that is unfavorable to the reputation or moral or ethical standards of the University.”

The contract accounts for rules violations that “in the sole judgment of the University, reflect adversely” on it, including “any violation which occurred during prior employment of the Employee at another NCAA member institution.”

If Haith is accused of unethical conduct, a label that few coaches survive and that could come with a multi-year “show-cause” sanction that would impede his future job opportunities, it’s believed MU would let the process play out rather than take swift action before Haith can defend himself.

He would have 90 days to appeal, for starters, and the ruling of the Committee on Infractions may not be rendered until the fall.

Mizzou athletics director Mike Alden was out of the country and unavailable to comment.

In a statement released Monday night, MU said it was aware of the story and has been in communication with the NCAA regarding its “ongoing efforts related to the University of Miami investigation. Coach Haith and the University of Missouri continue cooperate fully. However, we are not at liberty to comment further out of respect for the NCAA process.”
One of Haith’s attorneys, Michael L. Buckner of Pompano Beach, Fla., felt more at liberty than MU or his client.

Buckner did not return a phone message from the Post-Dispatch, but The Miami Herald characterized him as “angry” about what he called a premature report.

“Any type of allegations are not allegations until you receive the actual notice. Whoever talked to (CBSSports.com writer) Jeff Goodman is violating the NCAA confidentiality provision and as of right now, my client and anyone on his legal team have not received a notice of allegations,” Buckner told the Herald.

“I just think it’s unfortunate because if a notice comes out and all those things are not included, then that source will have to pay for disclosing information that may not be true.”

He later added, “If the NCAA had already made these decisions, we would have received a notice of allegations. I would just like to see the NCAA be able to do its job.”

According to CBSSports.com, the source said the NCAA was unable to prove the allegation from Miami booster Nevin Shapiro that Haith was complicit in a $10,000 payment made by an assistant coach to a family member of former Hurricane DeQuan Jones.

For that matter, the report said, the NCAA couldn’t prove “anyone on his staff paid $10,000.”

Somewhat bewilderingly, then, the report goes on to add, “However, Haith will be charged with unethical conduct because the NCAA did not believe his story that payments to his assistants intended for camp money did not wind up going to repay Shapiro, who made the allegations to Yahoo Sports back in August of 2011. A source said that the money was delivered to Shapiro’s mother — who verified the payment to the NCAA.”

CBSSports.com also said Haith will be charged with a failure to promote an atmosphere of compliance, noting impermissible airline travel given to the family of two players from a member of his staff and contact between Shapiro and players on recruiting visits.

Three assistants on Haith’s Miami staff, none of whom accompanied him to Mizzou, also are expected to be charged with unethical conduct, the source told Goodman.

They include Jake Morton, now at Western Kentucky, who was accused by Shapiro in a 2011 Yahoo Sports report of funneling the $10,000 from Shapiro to the person of influence with Jones.

Shapiro, who is in prison on a 20-year sentence for his part in a $930 million Ponzi scheme, told Yahoo the money later was returned, part of a set of lingering curiosities about the initial accusation.

The notice may be released as soon as today, but procedural issues could slow it down, the source told CBSSports.com.

That’s apparently already been the case for about a week. Multiple Miami media outlets reported Jan. 12 that the notice would be out within days.
MU’s Haith may be facing heat from NCAA

Report says NCAA to notify Missouri coach of allegations of violations by him at Miami.

By TEREZ A. PAYLOR

Missouri basketball coach Frank Haith is reportedly close to facing serious charges from the NCAA that could put his job in jeopardy.

Citing an anonymous source close to the situation, CBSSports.com reported Monday that the NCAA — which could release a notice of allegations as early as this week regarding a lengthy investigation at the University of Miami — is expected to charge Haith with unethical conduct and failure to promote an atmosphere of compliance.

The unethical conduct charge means Haith could face a multi-year show-cause penalty, an order that says NCAA penalties imposed on a coach involved in major rules violations at one university’s athletic program will remain in force if he is hired by any other NCAA school. Haith coached at Miami before joining the Tigers before the 2011-12 season.

“We do not have a comment at this time,” NCAA spokesperson Stacey Osburn said by email when asked about the case by The Star.

The MU athletic department released a statement, which said: “The University has been in communication with the NCAA regarding their ongoing efforts related to the University of Miami investigation. Coach Haith and the University of Missouri continue to cooperate fully. However, we are not at liberty to comment further out of respect for the NCAA process.”

One of Haith’s attorneys told The Miami Herald that the report was premature.

“Any type of allegations are not allegations until you receive the actual notice,” Michael Buckner said. “... as of right now, my client and anyone on his legal team have not received a notice of allegations.

“I just think it’s unfortunate because if a notice comes out and all those things are not included, then that source will have to pay for disclosing information that may not be true.”

Haith said he checked with Buckner on Monday and added that they still have not received a notice of allegations. “We’re in constant conversation with the NCAA,” Haith said during his
weekly TigerTalk appearance at the Columbia Buffalo Wild Wings, “but I’m bound by confidentiality in this process, so it’s inappropriate to say anything other than that.”

CBSSports.com reported Haith could face a show-cause order even though the NCAA was unable to prove Nevin Shapiro’s 2011 allegation to Yahoo! Sports that Haith was complicit in a $10,000 payment to Miami recruit DeQuan Jones. Haith denied the allegation, and Jones was reinstated by the school after a brief suspension. Shapiro is in prison after being convicted of running a Ponzi scheme.

The source told CBSSports.com that Haith will be charged with unethical conduct because the NCAA did not believe his story that payments to his assistants intended for camp money did not wind up going to repay Shapiro, whose mother — the recipient of the money — verified the payment to the NCAA.

CBSSports.com also reported that Haith will be charged with failure to promote an atmosphere of compliance because of improper airline travel that was given to the family of two players from a member of his staff, and also the interaction between Shapiro and his players while on visits. Three Miami players, including Jones, were suspended for at least one game last season for receiving impermissible benefits related to the investigation.

The source told CBSSports.com that Jake Morton, Jorge Fernandez and Michael Schwartz — the three assistants previously on Haith’s staff at Miami — will each receive unethical conduct charges. Morton is an assistant at Western Kentucky, while Schwartz is an assistant at Fresno State. Fernandez abruptly left Marshall after last season.

If the allegations are handed down by the NCAA, a final decision on the exact penalties Haith and others involved could face remains months away. Those accused in the case are expected to have 90 days to respond in writing before a hearing is set with the NCAA Committee on Infractions, likely in June. After the hearing, it likely will take the committee at least four months to hand out the penalties.

The show-cause penalty is one of the harshest the NCAA can give out. In the past, coaches who have received it have had a difficult time finding another job because any school employing a coach with a show-cause order can face severe penalties if the coach commits another violation during the length of the order.

Schools can try to avoid the penalties imposed on a coach with a show-cause order, which include restricted recruiting activities, but must appear before the NCAA’s Committee of Infractions and establish why they should not be penalized for hiring the coach. Missouri athletic director Mike Alden has previously said MU was given no warning about Haith when Alden contacted the NCAA regarding the coach’s background during the hiring process in spring 2011.

While the aforementioned restrictions have made it difficult for those given show-cause orders, such as Clem Haskins (Minnesota), Kelvin Sampson (Indiana) and Bruce Pearl (Tennessee), to get back into coaching, there have been a few exceptions. Former Cal coach Todd Bozeman was
found to have lied about paying for a player’s parents to watch their son play and was given an eight-year show-cause penalty in 1996, but he is now the head coach at Morgan State.

Currently, Bozeman is the only Division I head coach to land another job after serving a show-cause penalty, though former Indiana assistant Rob Senderoff, who made many of the impermissible calls that landed Sampson a five-year show-cause penalty, later became the head coach at Kent State after being given a 30-month show-cause penalty in 2008.

If Haith is given a show-cause order, Missouri could choose to terminate his contract for “cause,” which means MU would not owe Haith a buyout. Excluding bonuses, Haith is scheduled to make a minimum of $1.6 million per year through 2017. One such “cause” in his contract includes: “...any violation of any policy, role, regulation, constitutional provision, bylaw or interpretation of the NCAA ... (that) may ... reflect adversely upon the University or its athletic program, including any violation which results in the University being sanctioned by the NCAA or the Conference, including any violation which occurred during prior employment of the Employee at another NCAA member institution.”

Missouri also has the option of firing Haith without cause. But it would then be obligated to pay him his annual base salary of $350,000 for each year remaining on his contract.

*The Star’s Blair Kerkhoff contributed to this report*
Missouri Coach Frank Haith could be facing charges of unethical conduct and failure to promote an atmosphere of compliance when the NCAA releases its notice of allegations after an investigation of the University of Miami, CBSSports.com reported on Monday.

The website’s report cited an anonymous source close to the situation saying, if found guilty, Haith could receive a multiple-year show-cause penalty, which is an order from the NCAA saying that, for a set period of time, any NCAA penalties imposed on a coach involved in major rules violations at one school will continue to be enforced if he is hired by another school.

Show-cause penalties often end the careers of college coaches.

Haith learned of the report after practice Monday afternoon but said neither he nor his attorneys has received a notice of allegations from the NCAA. He declined to comment further.

“It’s premature to talk, say anything other than that, based on I’m bound by confidentiality based on the process of the NCAA,” he said before appearing on his Tiger Talk radio show Monday night at Buffalo Wild Wings. “That’s all I can say.”

A statement from Missouri released Monday night echoed that sentiment.

“The University of Missouri is aware of today’s story from CBS Sports,” it read. “The University has been in communication with the NCAA regarding their ongoing efforts related to the University of Miami investigation. Coach Haith and the University of Missouri continue to cooperate fully. However, we are not at liberty to comment further out of respect for the NCAA process.”

The CBS report said the NCAA notice of allegations will be released soon — perhaps as early as this week — and will reveal that it could not prove booster Nevin Shapiro’s allegation that Haith gave his blessing for Shapiro to pay $10,000 to recruit DeQuan Jones. But the CBS report said Haith could be charged with unethical conduct because “the NCAA did not believe his story that payments to his assistants intended for camp money did not wind up going to repay Shapiro.”
The website’s source said the money was delivered to Shapiro’s mother, who later verified the payment to the NCAA.

After the NCAA’s notice of allegations is released, individuals involved in the case will have up to 90 days to respond in writing before having a hearing in front of the Committee on Infractions, which operates independently of the NCAA’s investigative unit. That hearing would likely take place in mid-June. A decision on penalties would likely come at least four months later.

Schools aren’t explicitly prevented from hiring coaches who receive the show-cause penalty, but they can be subject to severe penalties if the coach commits another violation during the length of the penalty.

The penalty has had the effect of blackballing coaches, including former Tennessee Coach Bruce Pearl, former Oklahoma and Indiana Coach Kelvin Sampson, former Baylor Coach Dave Bliss, former Minnesota Coach Clem Haskins and former California Coach Todd Bozeman. Of them, only Bozeman, now at Morgan State, has returned to the college coaching ranks.

Haith’s contract also stipulates that Missouri can terminate him for cause for “any violation of any policy, law, rule, regulation, constitutional provision, bylaw or interpretation” of the NCAA that “in the sole judgment of the University, reflects adversely upon the University or its athletic program.” That includes “any violation which occurred during prior employment of the Employee at another NCAA member institution.”

Haith, hired by Missouri in April 2011 after seven seasons at Miami, has had the possibility of NCAA sanctions looming over him almost since the beginning of his tenure. His name surfaced in a Yahoo! Sports report in August 2011 detailing allegations of rampant rules violations at Miami.

The accusations came from disgraced Hurricanes booster Shapiro, who said he gave thousands of impermissible benefits to Miami athletes, most of them football players, between 2002-10. Shapiro is currently serving a 20-year prison sentence after being convicted for his role in a $930 million Ponzi scheme.

During the investigation, the NCAA uncovered evidence of impermissible airline travel given to the family members of two players — Reggie Johnson and Durand Scott — from a member of Haith’s staff, resulting in multi-game suspension for both players last season. The CBS report said that because of those infractions and interaction between Shapiro and players on recruiting visits, the NCAA is also prepared to charge Haith with failure to promote an atmosphere of compliance.

Three of his former Miami assistants — Jake Morton at Western Kentucky, Michael Schwartz at Fresno State and Jorge Fernandez, who left Marshall after last season — are also expected to be charged with unethical conduct, according to the CBS report.

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Grading the Inaugural Address

January 22, 2013 - 3:00am  By Scott Jaschik

Inside Higher Ed asked professors who are experts in rhetoric, political communication or inaugural history to grade President Obama's second inaugural address. The panelists were asked to comment not on the president's policies, but on the speech. The experts generally gave Obama good grades, but nothing higher than an A-.

Here are the reviews (in alphabetical order by expert):

William Brown, chair of the department of strategic communication and journalism at Regent University: B. The speech was an overall good delivery but not a memorable address. I doubt that many people will go away recalling any specific lines from the speech. The emotional energy seemed to be lower than that exhibited on previous important speeches. I would say emotionally that it was a bit flat. His demeanor also seemed to show a bit of tension or irritability, perhaps as he was addressing his detractors. I could not tell exactly what the emotion was but it was a negative emotion. I do not think he smiled one time during the speech. My overall grade of B is probably generous. The speech lacked transcendence. I predict the speech will not be remembered. (Professor Brown sent along a complete grading rubric he uses, and assigned the speech the following scores on 20-point scales: Organization - 17; Topic knowledge - 18; Audience adaptation - 16; Language use - 17; Delivery -17.)

Stephen J. Farnsworth, director of the Center for Leadership and Media Studies at the University of Mary Washington and author of Spinner in Chief: How Presidents Sell Their Policies and Themselves: A-. President Obama's second inaugural address was better than most second term inaugural addresses, many of which have engaged in too much short-term scoresettling or ephemeral policy-heavy discourse. Obama instead presented his vision of America as a collaborative enterprise where citizens are bound to each other as a way of protecting all of us against unexpected tragedies and storms in the years ahead. From the effective references to the founders to the tribute to Martin Luther King Jr., Obama gave a compelling sermon on that day every four years when many citizens worship together at the American church.

Kathleen E. Kendall, research professor of communication at the University of Maryland at College Park and author of Communication in the Presidential Primaries: Candidates and the Media, 1912-2000: B+. A great inaugural speech inspires the listeners through eloquent
language, helping them to reflect on the nation’s communal values. It provides historical continuity for the presidency, as the president addresses his future goals, creating a real sense of the whole people’s unity. President Obama’s second inaugural had moments of greatness, on this date of the Reverend Martin Luther King Jr.’s birthday, as when he tied his speech closely to King’s “I Have a Dream” speech, both in parallel language and in his theme of equality. In ringing and confident phrases echoing King as well as President John F. Kennedy, he noted that “our journey is not complete,” that “this generation of Americans” has been “tested by crises” and possesses the qualities the world demands. “My fellow Americans,” he pledged, “we are made for this moment, and we will seize it — so long as we seize it together.” He fell short, however, by inserting sections of the speech more appropriate to a State of the Union message, enumerating specific policy measures for particular attention. If one views the inaugural ceremony in its entirety, perhaps the most successful moment was Richard Blanco’s reading of his original poem, “One Today,” which provided a narrative of vivid unifying images for the American people.

Mitchell S. McKinney, professor of communication and director of the Political Communication Institute at the University of Missouri at Columbia and co-author of Communication in the 2008 U.S. Election: Digital Natives Elect a President: B+. Barack Obama’s second inaugural address was an interesting fusion of celebratory rhetoric—which we usually expect of presidents who have just taken the oath of office—and also deliberative rhetoric with specific policy pronouncements on such matters as climate change, health care, education and fiscal matters. Still, the president appropriately sought to unify the nation with his “We, the People” refrain, calling for shared sacrifice and a renewed commitment to the promise of equality for all, a principle that has guided our nation “through Seneca Falls, and Selma, and Stonewall.” In general, this was a more optimistic address than his first inaugural, and Barack Obama’s delivery seemed more confident with a sense of urgency as “a decade of war is now ending.” Over all, a fitting speech for a nation ready for its government and leaders to join together and take action on the many pressing problems facing our country.

Martin J. Medhurst, professor of rhetoric and communication at Baylor University and creator of the website Presidential Rhetoric: C+. President Obama delivered a powerful, though clearly partisan address. It may be the most left-leaning inaugural since FDR’s first. Obama clearly signaled that he intends to pursue a progressive agenda— from climate change to gay marriage to alternative energy sources. While proclaiming common purpose in one breath, he attacked the opposition party with the next. The address tacked back and forth between appeals for unity and proclamations of commitment to progressive policy choices. It was not a speech for the ages.

Theodore F. Sheckels, professor of English and communication studies at Randolph-Macon College and co-author of the textbook Perspectives On Political Communication: A Case Approach: B+. The address was very well-delivered. It attempted to deliver a progressive, populist message wrapped up in traditional patriotic language. In embracing the many, it did, however, exclude the few—not just “the shrinking few” but those who have reservations about global warming or additional government spending (even in the case of disasters) as well as those who would like the United States to be more aware of dangers to peace in the world and
more assertive in addressing them. A good inaugural unites. This one unites what Obama hopes
will be a sizable majority to pursue a progressive, populist agenda, but it also pushes some to the
side and may even suggest that they are outside the national vision he is seeking to create.

Gerald R. Shuster, professor of communication at University of Pittsburgh: B / B+. --
Clearly Obama's second inaugural was not the spellbinding speech that some might have
expected and it was interspersed with idealistic and aggressive rhetoric -- combining references
to the Declaration of Independence with the admonition of what the nation needs to do to adhere
to those ideals. To do so, he drew many analogies, and examples -- past- and present-focused --
and balanced persuasion with direction, and hope. He provided scenarios with and without
adherence to focusing on needs for all audiences under all circumstances. Surprisingly he got
somewhat specific on areas of controversy and used unity as the underlying theme to achieve the
objectives. Thus the tone of the speech was far more serious than some expected and that gave
credibility to his purpose and resolve. Audience analysis and identification of audience needs in
particular were much in evidence. One of the major deficiencies -- lack of a hard-hitting
motivational intro. Yes, he had the physically present audience in his hand, but the same can't be
said for the electronic and social media audience.

Mary E. Stuckey, professor of communications and political science at Georgia State
University and author of Defining Americans: The Presidency and National Identity:
A- / B+. He clearly articulated a governing agenda, based on principles grounded in American
foundational documents, that was consistent with his campaign. He had a vision of the meaning
of the national union (mutual obligation enacted through government), of the U.S. place in the
world (we can lead, we can make enemies our friends) and of his role in history (as heir to and
custodian of a trajectory of inclusion and equality). The weakness was a rather awkward
emphasis on policy in the middle. Despite that, the overall speech was gracefully done, with
echoes of Lincoln and FDR. It will likely be remembered for its mentions of gay rights and for
his insistence that the journey is unfinished and possibly for his argument that our national
principles endure but national policy must change to fit context.

Ronald C. White Jr., author of A. Lincoln: A Biography and Lincoln's Greatest Speech:
The Second Inaugural: B+. "We, the People," became the foundation for a Second Inaugural in
which President Obama offered his vision of the recent conservative buzzwords "American
exceptionalism." What makes us exceptional, he told us -- from Seneca Falls, to Selma, to
Stonewall, will be an inclusive nation where everyone enjoys the full rights promised in the
Declaration of Independence. The speech renewed many campaign themes -- "we are not a
nation of takers"; we must "care for the vulnerable." I believe this was a stirring speech but not
one of his finest speeches. Despite its foundation, he tried to do too much, and spoke throughout
in the same intense tone. The speech will serve as a "guiding star" for his intentions in the next
four years.

Read more: http://www.insidehighered.com/news/2013/01/22/experts-rhetoric-and-political-
communication-give-obama-address-good-not-great#ixzz2lCNTHBn
Inside Higher Ed
MU leads national initiative to foster a new culture of health care teamwork

By Jodie Jackson Jr.

Sunday, January 20, 2013 at 2:00 am

A patient in a hospital bed sees a dizzying procession of health professionals — doctors, nurses, respiratory therapists, lab technicians, pharmacists and others. They make notes on charts, share diagnoses, discuss treatment plans and prescribe medications. Then, during the course of each day, shifts change, and after the critical “hand-off,” the patient and important information about him or her passes to an entirely new cast of care-givers — different physicians, at times, as well as nurses and techs.

“Think how hard it is to make communication clear,” said Maureen Bisognano, president and CEO of the Institute of Healthcare Improvement, a not-for-profit organization based in Cambridge, Mass. To accurately convey vital patient information from shift to shift, hour to hour, is a major challenge. At the same time, Bisognano said, “It’s so important for safety that we get those messages clear.”

A decimal point misread or misplaced in a doctor’s order for medication or a lowered bed rail for a patient at risk for falling could mean the difference between a speedy recovery and a sudden trip to the nursing home — or the funeral home.

The University of Missouri schools of medicine and nursing are working together, along with health care educators at five other institutions, to develop curricula that will improve communication among providers and tackle the nationwide problem of preventable medical errors.

The initiative, called the Retooling for Quality and Safety Initiative, is a yearlong process that participants hope will revolutionize communication and collaboration among health care professionals. At stake, they say, is no less than the lives of patients.

In a landmark 1999 report, The Institute of Medicine identified the often-fragmented aspect of hospital care and miscommunication at the patient hand-off as a point of potential tragedy. The IOM is the health arm of the National Academy of Sciences. Its report, “To Err is Human: Building a Safer Health System,” collided head-on with the age-old assumption that medical errors were basically an occasional, albeit unfortunate, result of medical treatment.
At the time, as many as 98,000 people a year died as a result of preventable medical errors, the IOM estimated. That made medical errors the eighth-leading cause of death in the United States, more than the number of people who died in car wrecks or from breast cancer or AIDS.

The report underscored the term “preventable,” listing numerous types of errors, from medication mistakes to hospital-acquired infections, and its authors warned the nation was experiencing an “epidemic of medical errors.”

More than a decade after publication of “To Err is Human,” the University of Missouri School of Medicine and MU Sinclair School of Nursing are at the forefront the Retooling for Quality and Safety Initiative, a project of the IHI and Josiah Macy Jr. Foundation that could transform health care by changing the way medical and other health care professionals are trained. The aim is to improve quality and safety by developing a team-teaching curriculum for medical, nursing, pharmacy and other health professions students. The schools’ efforts to introduce “interprofessional learning” as a teaching model — part of a grant-funded initiative sponsored by the IHI Open School at the Institute of Healthcare Improvement — is detailed in an article in the January edition of the journal Health Affairs.

Lead author Linda Headrick, an MU professor of medicine and senior associate dean for education at the medical school, said the collaborative approach is a no-brainer. “All of us can see examples and data where patient care is better when we explicitly work together versus when we don’t,” Headrick said.

Headrick worked on the report with nine co-authors, including Myra Aud, a doctoral-prepared registered nurse and associate professor at the Sinclair School of Nursing. Their article described the work MU and five other universities with medical and nursing schools have done to bring quality improvement and patient safety into the forefront of health care. Rather than doctors, nurses, physical and respiratory therapists, and pharmacy students learning separately, the participating universities spent a year studying and implementing ways for the various medical disciplines to learn together and to face critical problem-solving simulations together.

“It’s not reasonable to train people separately, then expect them to work together at a patient’s bedside,” Headrick said, comparing the new emphasis on interprofessional training to traditional medical and nursing education.

“It’s all about the culture of health professional education,” she said.

“And changing the culture of health care,” co-author Aud added.

Most current medical school and nursing faculty were not exposed to concepts of quality improvement and patient safety as part of their education, the authors found.

The experience of John Gay, the associate dean for curricular improvement at the MU medical school, bears that out. A specialist in obstetrics/gynecology, Gay was in private practice for six years before joining the medical school staff 25 years ago as a faculty member and clinician.
When he graduated from the University of Iowa College of Medicine in 1978, he said, interprofessional learning was not a component of the education.

Although joint learning only recently became part of the formal medical school curriculum for first- and second-year students at MU, education for medical residents and fellows has included interprofessional learning and training since 2003, Gay said. He is among staff members who had experience with that approach, which helped give MU a leg up when the IHI screened the 25 institutions that applied to be part of the quality and safety initiative.

Putting medical and nursing students in joint-learning situations “before they really hit the clinics” as part of their later training is vital, Gay said.

“We want to start them in the first year,” he said. “It makes sense.”

Fourth-year medical student John Morrison of West Plains said interprofessional learning and a solid focus on quality improvement and patient safety have been a part of his education all along.

“It’s quite a change,” said Morrison, 26, “but that’s all I’ve ever known.”

Morrison said the teamwork he learned in medical school as part of the interprofessional training sparked his desire to go into emergency medicine. The problem-based learning curriculum wasn’t carried out in a lecture hall with each student taking his or her own notes but by working with a group of nine other medical students.

“That’s a team-based environment that I really resonated with personally,” he said. “I really like teamwork.”

Like Gay’s, Headrick’s medical training and early career took place before quality improvement was a target.

“I remember people saying quality couldn’t be measured because it’s too complicated,” said Headrick, who also leads the Association of American Medical Colleges’ “Teaching for Quality” initiative. She is scheduled to teach a faculty interprofessional course in May in Washington, D.C.

Until the “To Err is Human” report came out in 1999, hospital administrators and other health system executives generally didn’t see medical errors and complications as “eradicable,” the IHI’s Bisognano said. “The report made it clear improvements could be made to avoid unnecessary deaths.

Eleven years after the report’s release, in March 2010, President Barack Obama signed the Patient Protection and Affordable Care Act, the historic series of health care reforms that, among other things, tied future federal Medicare reimbursements to the outcome or quality of care, not simply the number of patients a physician treated.
As the new reimbursement model is being phased in, some private insurers have adopted similar approaches that include financial penalties for medical errors and even hospital readmissions, which also are tied to the quality of care.

Health system officials said those financial considerations are strong incentives to embrace the quality improvement and patient safety initiatives.

Headrick led the Retooling for Quality and Safety Initiative during the 2009-2010 academic year, coordinating with all participating institutions. In addition to the University of Missouri, other participants included the Johns Hopkins University School of Medicine, the Penn State College of Medicine, the School of Medicine at the University of Texas San Antonio Health Science Center, the University of Colorado Denver School of Medicine and the Case Western Reserve University School of Medicine. Each participant has both a school of nursing and a school of medicine that worked together to include care improvement and patient safety content into existing curriculum.

Most sites also found joint learning opportunities for students in actual clinical settings. At MU, medical educators put a face on the issue by having students interact with real patients.

MU students specifically addressed the risk of patient falls, the most common injuries reported in hospitals. Students from different professions reviewed a patient’s chart, performed an assessment at the bedside and created a customized fall-prevention plan for each patient and team of care providers. The students also participated in small-group discussions with educators and in a lecture on patient safety.

Johns Hopkins and Case Western studied a structured communication method, patterned after military communication techniques, to improve care and patient safety. At Colorado, senior medical and nursing students went through quality and patient-safety training with simulations and joint learning. The focus of the retooling initiative at San Antonio was a hand-hygiene study in the university’s health system, which led to improved compliance with hand-hygiene rules.

The Health Affairs article concluded “health professions education must prepare all students for ‘deliberately working together’ toward a safer and better health care system.”

Bisognano said the six universities that took part in Retooling for Quality and Safety “have laid a strong foundation that others can learn from and build on in creating their own programs.”

“Whether it’s with grand rounds” that involve several members of the health care team, “simulation or improved communication skills,” she said, “patient care has become a shared responsibility, and the sooner students experience this, the more prepared they’ll be.”

Interprofessional learning has already proved its worth for MU students in national competition with other health profession students. In 2011, MU became the only school to win the CLARION National Interprofessional Team Case Competition three times, another indication MU medical and health professions education already has extensive experience with the goals of the retooling initiative. MU graduate Jeff Trammell, a registered nurse in the trauma surgery
intensive care unit at University Hospital, said the CLARION competition was a natural extension of his education in the Sinclair School of Nursing.

“I got kind of a double dose of it,” Trammell said, referring to his education and the competition.

Trammell, 35, and three others — a medical student, a health management graduate student and a graduate student in public health — acted as a health care consulting team and put their MU-grown interprofessional training to work, winning first place over 10 other universities.

The teams were given the cases of two patients whose deaths were linked to medication prescribed by the same physician. They analyzed the cases using a multidisciplinary approach, asking how the tragedies could have been prevented.

“Every discipline of health care is looking at ways to improve delivery,” Trammell said. The biggest barrier to that goal, he said, is “being unwilling to communicate.”

A recent article in the journal Lancet reported that 14 years after the release of “To Err is Human,” “the problem of medical errors remains and might even have escalated.”

Estimates of deaths caused by medical errors grew substantially during the decade after 1999. The Office of the Inspector General of the Department of Health and Human Services released a document in November 2010 reporting one in seven hospitalized Medicare beneficiaries had complications from medical errors, contributing to an estimated 180,000 deaths of patients per year.

Meanwhile, other rapid changes continue to occur in the health care industry, from advances in technology to a greater demand for medical professionals to know more than ever — and to treat more patients than ever. The Affordable Care Act is designed to add as many as 30 million Americans to the insurance rolls. The impending flood of new patients is coming at a time when the number of primary care physicians is dwindling and their pay is tied increasingly to the actual quality of care.

Aud, the associate professor at the Sinclair School of Nursing, attributes the slow pace of change to disparate cultures and communication. “We’ve taught safety and quality in nursing all the way back to Florence Nightingale,” she said. While medical and nursing schools are doing their best to train new health care professionals, hospitals and other health care organizations have had to change and adapt in the midst of a culture that had doctors, nurses and others working separately, often with their own “language,” Aud said, making communication among professions even more challenging.

“It’s a constant, everyday effort to be sure we’re doing the right thing,” she said. “Health care is just so complex. If we don’t get it right, things can go wrong.”

The Institute of Medicine’s own evaluation of its “To Err” report called for changes that are now being made.
“It may be part of human nature to err, but it is also part of human nature to create solutions. … find better alternatives,” the IOM concluded.

Bisognano said medicine is seeing “measurable results” from changes that have been made. For instance, IHI worked with every hospital in Scotland to eliminate central-line blood stream infections in intensive care units, the most expensive — and often lethal — hospital-acquired infection, or medical error. In 2012, that country reported zero ICU central-line blood stream infections.

“I think that’s the kind of result we can expect when we get everyone working on the same page with these quality tools,” Bisognano said. Some hospitals in the United States have achieved central-line infection-free status, but not all hospitals have adopted the necessary steps.

“I really want to see us work as a country to get these practices adopted,” she said, pointing to medical errors in general. “If we work together, we can eliminate these.”

This article was published in the Sunday, January 20, 2013 edition of the Columbia Daily Tribune with the headline "Prescription for progress: MU leads national initiative to foster a new culture of health care teamwork."

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Posted in Perspectives on Sunday, January 20, 2013 2:00 am.
MU researchers leap ahead in DMD study

By CHRISTIAN BASI

Saturday, January 19, 2013 at 2:00 am

Usually, results from a new study help scientists inch their way toward an answer. Once in a while, those results give them a giant leap forward. In a preliminary study in a canine model of Duchenne muscular dystrophy (DMD), University of Missouri scientists showed such a leap using gene therapy to treat muscular dystrophy. The results of the study were to be published in the journal Molecular Therapy on Tuesday.

Muscular dystrophy occurs when damaged muscle tissue is replaced with fibrous, bony or fatty tissue and loses function. Duchenne muscular dystrophy is the most common type of muscular dystrophy, predominantly affecting boys. Patients with DMD have a gene mutation that disrupts the production of dystrophin, a protein essential for muscle cell function. Absence of dystrophin starts a chain reaction that eventually leads to muscle cell degeneration and death. For years, scientists have been working to find the key to restoring dystrophin, but they have faced many challenges.

One of the largest is the large size of the gene. Dystrophin is the largest gene in the human genome, containing approximately 4,000 amino acids. To fit the dystrophin gene into a vehicle that could deliver the gene to the appropriate site in the body, one has to delete 70 percent of the gene. The abbreviated gene is known as the "micro-dystrophin." Previous studies suggest that micro-dystrophin can effectively stop muscle disease in mice that are missing dystrophin. However, mice that are missing dystrophin show minimal DMD symptoms, and results from mice often do not predict what will happen in humans. However, loss of dystrophin results in severe muscular dystrophy in dogs. If micro-dystrophin can work in dogs, it likely will work in human patients. Unfortunately, when micro-dystrophin was tested in dogs in previous studies, it was not successful.

To overcome these hurdles, a team led by Dongsheng Duan, the Margaret Proctor Mulligan Professor in Medical Research at the MU School of Medicine, engineered a new micro-dystrophin gene that carries an important functional region missing in previously tested micro-dystrophins.

"We placed the new microgene into a virus and then injected the virus into dystrophic dogs' muscles," Duan said. After gene therapy, Duan's team examined the dogs for signs of muscle disease and measured muscle force in treated and untreated dogs. After careful evaluation of 22
dogs, Duan and colleagues found the new version of micro-dystrophin not only reduced inflammation and fibrosis, it also effectively improved muscle strength.

"This is the first time that we have seen positive gene therapy results in large mammals of DMD," Duan said. "We still have a lot of work to do, but we now know that our gene therapy strategy works in large mammals; this is a quantum leap forward in fighting this disease. Our next step is to test our strategy in a large group of muscles in the dogs, and then, eventually, see if ‘whole body therapy’ will work in the dogs. We are still a long way off before we will have a human treatment, but with this finding, I do see a light at the end of this tunnel."

If additional studies are successful, MU officials would request authority from the federal government to begin human drug development. If granted, researchers might conduct human clinical trials with the hope of developing new treatments for DMD.

The study was funded by the National Institutes of Health, Jesse's Journey — The Foundation for Cell and Gene Therapy, and the Muscular Dystrophy Association.

Christian Basi is associate director of the MU News Bureau. He can be reached at 882-4430 or basic@missouri.edu.

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Posted in Saturday Business on Saturday, January 19, 2013 2:00 am.
The University of Missouri Department of Anthropology was awarded a $5,750 grant that the Museum Support Center will use to preserve the records of early archaeological excavations in the state.

The grant, one of 17 Secretary of State Jason Kander announced yesterday, was awarded through the Missouri Historical Records Grant Program, a competitive program overseen by the Missouri State Archives.

The grants are available for public and private records depositories for preservation and access purposes. The grants support conducting inventories, purchasing archival supplies and other activities.
Gov. Jay Nixon made an excellent choice by nominating Ann Covington to fill a vacancy on the University of Missouri Board of Curators. She must be confirmed by the state Senate.

It would be hard to imagine a more highly respected nominee. Covington is a former chief justice of the Missouri Supreme Court and an esteemed member of the legal profession. The Senate should do its duty promptly and confirm Ann Covington's nomination.

HJW III

The greatest of all faults is to be conscious of none.

— CARLYLE
Members of MU Chancellor’s Diversity Initiative attend presidential inauguration

By Alyssa Nielsen

Published as a part of Maneater v. 79, Issue 29

Students will walk in the inaugural parade and meet with representatives from other schools

Fourteen members of the MU Chancellor’s Diversity Initiative, an on-campus group that promotes the success and diversity of students, faculty and staff, will attend President Obama’s Inauguration Ceremony in Washington, D.C., on January 21.

The four-day trip to the country’s capitol, which began on Jan. 18, allowed the students to attend both the inauguration and Martin Luther King Jr. weekend celebrations.

“This is a professional development trip during which the CDI Ambassadors will meet with executives and leaders from Deloitte Consulting and Georgetown University,” said Tyler Levsen, who works at the Chancellor’s Diversity Initiative office and is attending the inauguration. “The CDI Ambassadors will be participating in a series of workshops and will wrap up their trip by attending the inauguration.

Levsen, a graduate student studying law and public affairs, hoped the trip would be an opportunity to connect with other people of similar interests and said he would attend the American Constitution Society’s inauguration party. The society is a national organization for law schools, including the MU chapter.

“I am interested to see who I will meet there,” Levsen said. “Of course, I also am looking forward to making some new friends on the trip and to enjoying my time spent with them.”

The trip will mark the first visit to Washington, D.C., for a few of the students.

“[This is a historic inauguration and it is the last time we will have Obama as a president, “ sophomore Jazmin Burrell said. “I have never been to D.C before. It is more than just the inauguration. I am excited to see the history of D.C.”

Burrell said she was also looking forward to experiencing the diversity in the nation’s Capitol.
"I grew up in Kansas City and there isn’t much diversity in Columbia,” Burrell said. "It will be great to see all those people there for the same reason."

The trip was made possible by the support of local political leaders, Levens said. CDI sent requests to Missouri politicians who had access to inauguration tickets in the hopes of getting some for their undergraduate members.

Sophomore Alexis Johnson decided to attend the inauguration because of her participation in the 2012 presidential election.

"This is monumental and probably something I will never be able to see again,” Johnson said. “I was able to vote for the first time [this past election], and now everything has begun to make sense.”

Johnson said that she hopes the trip will become a memory she can share with her children.

“I was really humbled about this opportunity,” said Johnson. “I will be able to tell my kids how exciting it was to see the first African American person be elected and now to witness his speech.” The students will return from the trip on January 22.
Shelley Bush-Rowe appointed northeast regional director for MU Extension

By Michelle Reed
January 18, 2013 | 4:15 p.m. CST

COLUMBIA — Shelley Bush-Rowe was announced as the northeast regional director for MU Extension on Wednesday.

The appointment is part of an ongoing realignment announced Sept. 11 that created six geographical regions and an urban region.

Bush-Rowe said she is excited about the opportunity and believes MU Extension remains a relevant and reliable source of information for Missouri residents.

Bush-Rowe has been a field faculty member with MU Extension since 1993. She said the reorganization caused some vacancies, which the agency looked to fill internally. She saw an opportunity and applied.

A main focus for Bush-Rowe will be developing ways to cross MU Extension’s primary program areas — such as Agriculture and Natural Resources, 4-H Youth Development, Business and Workforce Development, Continuing Education, Human Environmental Sciences and Community Development — to address social issues such as global food systems.

The northeast region comprises 20 counties. Bush-Rowe acknowledged the challenge of serving a large geographical area but said she is confident that she and her staff will do so efficiently.

Bush-Rowe also acknowledged the pressing need to develop sustainable revenue to maintain the extension program’s resources. "We have to look for ways to sustain the programming," she said.

Using science-based knowledge, MU Extension helps people understand change, solve problems and make informed decisions, according to its website.
University officials decided a realignment of the extension system would be beneficial after recognizing changes in the economic development needs of Missouri, population demographics, societal changes and funding constraints, according to a news release.

Bush-Rowe, along with four other regional directors, Jay Chism (Southwest), Mark Stewart (East Central), Wayne Prewitt (West Central) and Cynthia Zluticky (Urban), will join two existing regional directors, Karma Metzgar (Northwest) and Janet Kline (Southeast).

Bush-Rowe starts as the northeast regional director Jan. 28.

*Supervising editor is Scott Swafford.*
Newly nominated UM System curator Covington faces plenty of homework

By Valentine Lamar

January 18, 2013 | 6:58 p.m. CST

COLUMBIA — Former Missouri Supreme Court Judge Ann Covington said Tuesday that she is "honored" by Gov. Jay Nixon's nomination of her to join the UM System Board of Curators.

Nixon announced the nomination in a Thursday afternoon news release, saying Covington's depth of knowledge and experience will make her a strong curator.

Covington, 70, said she has a lot of homework to do in preparation for the job ahead.

"I want to familiarize myself and review effectively what is before the board in order to be knowledgeable and useful as much as possible," she said. "I hope to make a contribution to the UM System in which I have a strong interest."

Covington said she "believes that education is one of the lynchpins of our democracy." She has a particular interest in higher education issues.

A native of Fairmont, W.Va., Covington was appointed by then-Gov. John Ashcroft to the Missouri Court of Appeals, Western District, in 1987 and to the state Supreme Court in 1989, making her the first woman to serve on both courts.

She served on the Supreme Court for 12 years until her retirement from the bench in 2001. She immediately embarked on private practice at the Bryan Cave law firm until 2010.

Covington got her law degree at MU in 1977 and also served as a Missouri assistant attorney general.

Wayne Goode, chairman of the board and a former state senator from St. Louis who was appointed to the board by Nixon in 2009, said Covington will bring a wealth of experience to the board.
Goode described the judge as accomplished and well-respected and said he has known her for 25 years.

"During my time as the chairman of the Missouri Senate Appropriations Committee, we had several one-on-one conversations regarding the court and issues regarding administration of the court," he said. "I think she did an excellent job."

"Most of the board members are attorneys who know her very well and are respectful of her and her work in the Supreme Court," Goode said. "She'd be a great addition to the board."

Covington's nomination, if confirmed by the state Senate, would see her tenure stretch to the end of 2018. Curators serve six-year terms.

State Sen. Kurt Schaefer was unavailable to comment on the probability that the Senate will confirm Covington's nomination or when it might take up the matter.

*Supervising editor is Scott Swafford.*
A willow, not an oak. So said conservatives of Chief Justice John Roberts when he rescued the Affordable Care Act — aka Obamacare — from being found unconstitutional. But the manner in which he did this may have made the ACA unworkable, thereby putting it on a path to ultimate extinction.

This plausible judgment comes from professor Thomas A. Lambert of the University of Missouri Law School, writing in Regulation quarterly, a publication of the libertarian Cato Institute. The crucial decision, he says, was four liberal justices joining Roberts' opinion declaring that the ACA's penalty for not complying with the mandate to purchase health insurance is actually a tax on not purchasing it. With this reasoning, the court severely limited the ability of the new health care regime to cope with its own predictable consequences.

What was supposed to be, constitutionally, the dispositive question turned out not to be. Conservatives said the mandate — the requirement that people engage in commerce by purchasing health insurance — exceeded Congress' enumerated power to regulate interstate commerce. Liberals ridiculed this argument, noting that since the judicial revolution wrought during the New Deal, courts have given vast deference to Congress regarding that power. The ridicule stopped when five justices, including Roberts, agreed with the conservative argument.

This did not, however, doom the ACA because Roberts invoked what Lambert calls “a longstanding interpretive canon that calls for the court, if possible, to interpret statutes in a way that preserves their constitutionality.” Roberts did this by ruling that what Congress called a “penalty” for not obeying the mandate was really a tax on noncompliance. This must, Lambert thinks, have momentous — and deleterious — implications for the functioning of the ACA. The problems arise from the interplay of two ACA provisions — “guaranteed issue” and “community rating.”

The former forbids insurance companies from denying coverage because of a person’s pre-existing health condition. The latter, says Lambert, requires insurers to price premiums “solely on the basis of age, smoker status, and geographic area, without charging higher premiums to sick people or those susceptible to sickness.”
The point of the penalty to enforce the mandate was to prevent healthy people — particularly healthy young people — from declining to purchase insurance, or dropping their insurance, which would leave an insured pool of mostly old and infirm people. This would cause the cost of insurance premiums to soar, making it more and more sensible for the healthy to pay the ACA tax, which is much less than the price of insurance.

Roberts noted that a person earning $35,000 a year would pay a $60 monthly tax and someone earning $100,000 would pay $200. But the cost of a qualifying insurance policy is projected to be $400 a month. Clearly, it would be sensible to pay $60 or $200 rather than $400, because if one becomes ill, “guaranteed issue” assures coverage and “community rating” means that one’s illness will not result in higher insurance rates.

So, Lambert says, the ACA’s penalties are too low to prod the healthy to purchase insurance, even given ACA’s subsidies for purchasers. The ACA’s authors probably understood this perverse incentive and assumed that once Congress passed the ACA with penalties low enough to be politically palatable, Congress could increase them.

But Roberts’ decision limits Congress’ latitude by holding that the small size of the penalty is part of the reason it is, for constitutional purposes, a tax. It is not a “financial punishment” because it is not so steep that it effectively prohibits the choice of paying it. And, Roberts noted, “by statute, it can never be more.” As Lambert says, the penalty for refusing to purchase insurance counts as a tax only if it remains so small as to be largely ineffective.

Unable to increase penalties substantially, Congress, in the context of “guaranteed issue” and “community rating,” has only one way to induce healthy people to purchase insurance. This is by the hugely expensive process of increasing premium subsidies enough to make negligible the difference between the cost of insurance to purchasers and the penalty for not purchasing. Republicans will ferociously resist exacerbating the nation’s financial crisis in order to rescue the ACA.

Because the penalties are constitutionally limited by the reasoning whereby Roberts declared them taxes, he may have saved the ACA’s constitutionality by sacrificing its feasibility. So as the president begins his second term, the signature achievement of his first term looks remarkably rickety.

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