University of Missouri buys Missouri Theatre

By Ashley Jost

The University of Missouri has purchased the Missouri Theatre for $3.7 million from the Missouri Symphony Society, MU administrators announced Thursday morning.

The purchase completes an agreement made between MU and the symphony society in 2011. The agreement allowed MU to lease the theater for $12,000 a month for three years, after which the university would have the option to purchase the space for $3.7 million, the amount the symphony society owed in unpaid debt.

The Missouri Symphony Society began renting the Missouri Theatre in 1987 and soon after purchased it for $370,000.

When Executive Director David White was hired in 2001, he proposed major renovations that cost about $12 million over the next several years.

The society raised money but not enough to cover the debt. In 2010, some staff were let go and the doors were temporarily closed, and the society relied on volunteers until 2011. The 2011 MU leasing agreement became a bailout for the society.

Of the $12,000 monthly lease, MU was paying about $8,500 and the two subtenants of the Ninth Street space — Yogoluv frozen yogurt shop and the Columbia Art League — paid a combined rent of $3,500 to MU each month.

The symphony society will continue to use the theater for its offices in exchange for MU having access to the group's instruments and equipment, said John Murray, MU director of event operations.

The Missouri Symphony Society also has 10 rent-free days for performances each year, with the option to rent additional dates. Any theater space dedicated with names — such as the stage,
which was recently named for the Missouri Symphony Orchestra's founders — will retain those names.

According to a news release, this purchase saves MU money if it constructs a building to house the School of Music. The construction cost for MU's new performing arts center was estimated at $97 million, including plans for a concert hall, practice rooms and faculty studios. Missouri Theatre will replace the concert hall, cutting $57.8 million from the project's estimated price tag.

Jesse Hall will be decommissioned for updates during the 2014-15 academic year, including the Jesse Auditorium that houses many of MU's events.

Murray, in a release, said the new purchase will help alleviate the space deficit caused by the fixes to Jesse.

"The Missouri Theatre has been a part of Columbia's landscape since 1928 and is a treasured landmark for our community," Lili Vianello, Missouri Symphony Society Board president, said in a news release. "We see this as an opportunity to ensure this historic building is maintained and available for generations to come, while also allowing our organization to focus on its core mission of enhancing and increasing the cultural awareness of classical music in Mid-Missouri."

The Missouri Theatre was built in 1928 and is on the National Register of Historic Places as Missouri's only remaining pre-Depression-era movie palace and vaudeville stage, according to a news release.

MU purchases Missouri Theatre for $3.7 million

By Austin Huguelet

June 19, 2014 | 5:19 p.m. CDT
million, according to a news release Thursday morning.

The purchase will save the university $57.8 million in future construction costs on a new building for the School of Music, as the theater will take the place of the building's proposed concert hall.

The purchase completes a leasing agreement signed by MU and the Symphony Society in 2011. MU agreed to pay $12,000 per month for three years, with an option to purchase the theater this year for $3.7 million, the amount of debt owed by the Symphony Society for renovations, according to previous Missourian reporting.

MU used the theater to ease the burden on Jesse Auditorium, which was averaging 230 events a year and could no longer meet the demand for its use. In 2013, the two buildings were used for approximately 500 events, including concerts, lecture series and conferences, according to the release.

The School of Music has also benefited from the lease, as the extra space eliminated issues with rehearsal space.

The lease breathed new life into a theater that had been in poor financial health since a costly 2008 facelift put it into debt. The Symphony Society, which purchased the property in 1987 for $370,000 to turn it into a performing arts center, couldn't raise enough money to cover its deficit and had to temporarily close the theater's doors for August and part of September 2010.

The theater will play a vital role during the 2014-15 academic year when Jesse Hall, which houses Jesse Auditorium, will be closed for renovations.

During that time, the "... Missouri Theatre will be the only facility available to meet our programming needs," said John Murray, director of event operations at MU. The Missouri Theatre can seat 1,200, and Jesse Auditorium can seat more than 1,700.

The Symphony society will maintain offices in the Missouri Theatre and receive 10 rent-free days for performances each year in return for allowing MU to use instruments and equipment owned by the society, according to the release.
"We see this as an opportunity to ensure this historic building is maintained and available for generations to come, while also allowing our organization to focus on its core mission of enhancing and increasing the cultural awareness of classical music in mid-Missouri," Missouri Symphony Society Board President Lili Vianello said.

The theater, built in 1928, is on the National Register of Historic Places as Missouri's only remaining pre-Depression era movie palace and vaudeville stage.

*Supervising editor is Joe Guszkowski.*

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**MU adds gender identity to discrimination policy**

June 20, 2014

COLUMBIA, Mo. (AP) — The University of Missouri has added gender identity and gender expression to the school's non-discrimination policy.

The Columbia Daily Tribune reports the Board of Curators' vote on Thursday makes the university the first public school in the state to make the change. Seven private colleges and universities have implemented some version of the same change.

Curator John Phillips says the board has received petitions from students and faculty from all four campuses supporting the change.

Curator David Steward cast the only vote against the change.

Student body presidents from all four university campuses sent out a joint news release lauding the curators for the vote.
University of Missouri Curators add gender identity, expression to non-discrimination policy

By Ashley Jost

The University of Missouri Board of Curators voted to add gender identity and gender expression to the school's non-discrimination policy Thursday afternoon, making the UM System Missouri's first public university to do so.

The curators voted 7-1 in favor of the expansion, an issue that curator John Phillips said students and faculty have advocated for from all four campuses.

The vote makes the university the first public school in the state to take such a vote. Seven private colleges and universities have implemented some version of what the curators approved, including Washington University, Westminster College and Rockhurst University, among others, according to CampusPride.org.

The change was first approved unanimously by the board’s compensation and human resources committee. While introducing the issue, committee chairman Phillips said the board has received petitions in support of adding the new phrases to the non-discrimination policy from students— The new provision also had faculty support—from all four campuses.

Phillips pointed out that the federal agencies have implemented similar changes to non-discrimination policies, and said the board was in a position to think about this issue on both legal and human rights grounds.”

Steve Owens, University of Missouri System’s general counsel, said the university’s non-discrimination policy could already be considered to cover gender identity and gender expression by prohibiting discrimination on the basis of sex. Regardless, he said there is an increasing emphasis by federal entities for the inclusion of gender identity and expression to be included.
Curator David Steward cast the sole ‘vote against the change. Before the full board vote, Steward asked Owens to clarify that the university meets all regulations related to the non-discrimination policy as it currently stands.

Owens said yes.

Shortly after the vote, student body presidents from all four campuses sent out a joint news release lauding the curators for the vote.

UM Board of Curators approves gender identity, expression policy changes

By Kendra Johnson
June 19, 2014 | 10:36 p.m. CDT

COLUMBIA — Gender identity and gender expression were added to the University of Missouri System's nondiscrimination policy after a 7-1 vote Thursday by the UM System Board of Curators.

While introducing the issue, Curator John Phillips said the curators had received petitions from student governing bodies on all four UM campuses and from two faculty governing bodies in support of adding gender identity and gender expression to the policy.

An investigation by the UM Office of Human Resources also found many other public and private institutions had gender identity or gender expression in their nondiscrimination policies, Elizabeth Rodriguez, vice president for human resources, said.

There are 75 institutions in MU's peer group, according to documents provided by the curators. Of those, 63 have gender identity in their nondiscrimination policies and 38 also include gender expression. There were similar findings for the three other UM System campuses.
According to the GLAAD Media Reference Guide, gender identity is "One's internal, personal sense of being a man or a woman (or a boy or a girl)," and gender expression is the "external manifestation of one’s gender identity, usually expressed through 'masculine,' 'feminine' or gender-variant behavior, clothing, haircut, voice or body characteristics."

Existing UM policy prohibits discrimination of employees and students on the basis of sex and sexual orientation. UM System General Counsel Steve Owens said because the current nondiscrimination policy has the words "sex" and "sexual orientation" in it, it could be considered to cover both gender identity and gender expression as well.

The curators, however, wanted a firmer legal foundation and more inclusive language for the UM policy.

"We're in the position of thinking about the legal risks and our legal advice, as well as what is right, in respect to how to treat faculty and students," Phillips said.

The student body presidents of the UM system campuses said in a news release Thursday they agree with the curators’ decision to expand the system’s nondiscrimination policy.

“I am humbled and very proud to be a part of the institution that was at the forefront of this piece of important institutional change,” Rachel Jenkins, University of Missouri Kansas City student body president said in a news release.

Before this change, the system's policy had not been updated since 2003, when sexual orientation was added.

Other approvals

The curators also approved the 2015 Fiscal Year budget and the MU Master Plan. The budget for the UM System for 2015 is approximately $3 billion, an increase of almost $100 million from the previous year.

The budget includes a 3 percent tuition increase at MU for nonresidents and sets aside funds for various construction and renovation projects.
One of the projects is the construction of the Patient Centered Care Learning Center, which is a School of Medicine expansion project. The cost will be $45 million, with $12 million in funding coming from state appropriations.

One of the goals of the project is to increase enrollment in the Medical School by 128 students by 2020.

Earlier this year, the curators approved $11.5 million worth of renovations to Swallow Hall. The estimated cost of the renovations has since increased to $17 million, and the curators approved the new amount. The increase in funding will come from the Campus Facilities Reserves and a contribution from the College of Arts and Science.

This project will be a complete interior renovation of Swallow Hall. The building will retain its exterior appearance. The estimated costs went up after the design team realized the structural repair and the reinforcements required to do the renovation were more extensive than anticipated.

The UM System currently has a $1.3 billion backlog of facility renovations that need to be completed. MU's campus, including the Red Campus — the historical area centered around Francis Quadrangle — accounts for $586 million of those renovations.

"I don't think we can overstate the importance of the Red Campus. These are some of the most historical buildings in the state of Missouri," Curator Wayne Goode said. "They need to be protected."

Supervising editor is Landon Woodroof.
COLUMBIA — Proposed changes to the way the University of Missouri System handles investigations of sexual assault on campus were unanimously approved Thursday.

The UM System Board of Curators voted to adopt the recommendations from the Sexual Assault and Mental Health Task Force, which was formed in January by UM System President Tim Wolfe in the wake of the 2011 death of MU student Sasha Menu Courey.

Here are some of the changes the curators made to UM's Collected Rules and Regulations student conduct chapter regarding Title IX and sexual assault:

- The word "rape" was changed to "nonconsensual sexual intercourse."
- The overall category of "nonconsensual sexual behavior" was changed to "sexual misconduct," which includes nonconsensual sexual intercourse, contact or touching, sexual exploitation and sexual harassment.
- A clear definition of "nonconsensual" was added to include any circumstance where "the alleged victim was incapacitated by alcohol, drugs, or other circumstances and, therefore, incapable of consenting."
- Students who believe they have been discriminated against because of their sex can file a complaint directly to the Title IX coordinator. The current interim coordinator is Linda Bennett. This will now be a full-time position.
- Sexual assault investigations can begin immediately, rather than being delayed until criminal proceedings begin.
Additional changes were made to the hearing process in sexual assault investigations to be more in accordance with federal regulations and make campuses safer. Those changes are:

- Members will be appointed to the Student Conduct Committee, which will impose sanctions on students it believes have committed sexual assaults.
- The committee will be able to consider any previous disciplinary problems in a student's past.
- The chair of the committee will have the power to divide the members of the student conduct committee into smaller hearing panels for each case and will designate a chair for each panel. The panel must have at least five members and no more than two students. The remaining three members will be chosen from faculty and staff members on the committee.
- The complainant and accused will be prohibited from directly questioning each other. Questions will instead be asked through the committee chair.

A second vote was also unanimously passed by the curators, granting Wolfe temporary authority to pass executive orders relating to sexual assault or mental health until the curators' next meeting in October. These executive orders can be in conflict with, and will supersede, any current regulations.

In April, Wolfe granted Executive Order 40, requiring all UM System employees not bound by confidentiality to report any information regarding sexual assault or harassment of a student to the Title IX coordinator. Previous Missourian reporting found that employees had no guidelines on how to handle Title IX incidents before this order.

ESPN's investigation of Menu Courey's death shed light on MU's policies regarding sexual assaults. The Dowd-Bennett law firm, which was hired by the university to independently investigate how Menu Courey's case was handled, found that MU did not break the law when it did not investigate Menu Courey's allegations but was not in compliance with federal Title IX regulations.

Curator John Phillips said these changes are not a "cure-all," but will address some of the more pressing policy needs before students return in August.
The task force is continuing to develop systemwide recommendations for policy, resources and practices relating to sexual assault and mental health as part of a three-phase plan, said Deborah Noble-Triplett, chair of the task force.

*Supervising editor is Landon Woodroof.*

**UM System Curators approve amendment to non-discrimination policy, fiscal year 2015 budget**

By Covey Eonyak Son

*The UM System Board of Curators convened at MU for its annual June session to discuss a variety of topics such as the system’s non-discrimination policy, operating budget and campus projects.*

**Reconsidering non-discrimination**

The curators discussed the UM System’s non-discrimination policy, which only included “sexual orientation” in the past, and did not include “gender identity” or “gender expression,” according to Betsy Rodriguez, the system’s vice president for human resources.

Rodriguez said many peer institutions, including 30 of 34 public universities in the Association of American Universities, include gender identity and expression in their policies.

Curator John Philips said the subject came to the attention of the board after four student governing bodies, including the Missouri Students Association, as well as two faculty governing bodies across the UM campuses petitioned to amend the policy’s language.

The policy amendment was approved with seven votes in favor and one vote in opposition from Curator David Steward.

**Addressing sexual assault and mental health**

The curators unanimously voted in favor of amending Chapter 200 of the system’s Collected Rules and Regulations.
The revised section under “student conduct” now states that “a student who believes he or she has been discriminated against based upon his or her sex may file a complaint with the Title IX Coordinator for the campus.”

Earlier this month, Chancellor R. Bowen Loftin announced the Title IX coordinator would be made a full-time position at MU.

After reports of former Missouri swimmer Sasha Menu Courey’s case were released, the curators commissioned the St. Louis-based law firm Dowd Bennett, LLP to investigate MU’s handling of the case.

The firm’s report in April concluded that in its handling of Menu Courey’s case, MU did not properly follow Title IX guidelines, which prohibit sexual violence, sexual harassment and discrimination based on sex, according to the MU Equity Office.

The curators also unanimously passed a resolution to temporarily grant UM System president Tim Wolfe authority to make policies that address mental health and sexual assault issues prior to the fall semester.

The new policies, if any, will be reviewed by the curators at the October session.

**Master Plan and new projects**

A number of construction and renovation projects on MU’s campus were also presented to the curators.

One such project is the School of Medicine’s Patient Care Centered Learning Facility.

Gary Ward, interim vice president for administrative services, said the facility will cost $42.5 million and feature 16 first-year student classrooms, 16 second-year student classrooms, an anatomy lab, a simulation center, a 150-seat classroom and several seminar rooms.

The curators unanimously approved the project.

Ward also said renovations in Swallow Hall would require the replacement of the interior wooden structure. As a result, the project would cost $16.9 million, in comparison to the initially estimated $11.5 million, and would take eight additional months to complete.

The curators unanimously approved the funding increase.

The curators also unanimously approved MU’s Master Plan.

The Residential Life aspect of the plan hopes to eventually house 100 percent of first-year students on campus and provide 1,000 additional beds for upperclassmen, totaling about 7,500 beds on campus.
To accomplish this goal, MU plans to finish construction on the Virginia Avenue South Housing by May 2015 and start the replacement of Jones Hall and the Pavilion at Dobbs dining hall by January 2015.

Ward also said that while there are no concrete plans at this time, discussions to renovate Manor House, a popular graduate student housing option, will continue throughout summer.

**FY2015 budget**

Tom Richards, UM System’s interim vice president for finance and treasurer, presented the system-wide operating budget for fiscal year 2015.

The operating budget of $1.2 billion will feature a $22.9 million increase — a 3.4 percent increase — in the total salary budget and a $7.9 million increase — a 3.9 percent increase — in the total employee benefits budget.

Rodriguez said at the April Faculty Council meeting that MU’s faculty salaries are “non-competitive” to peer institutions in the AAU.

The budget was passed unanimously by the board.

**UM president given increased power on sex assault reporting**

By Koran Addo kaddo@post-dispatch.com 314-340-8305

University of Missouri System President Tim Wolfe has been temporarily granted increased power to set the rules regarding how the system’s network of universities will deal with sexual assaults and mental health issues going forward.

The move by the UM Board of Curators comes just two months after an independent review found that the system’s flagship campus, the University of Missouri-Columbia, did not properly act on information about the alleged sexual assault of a former student athlete.

Wolfe has since apologized publicly over Mizzou’s failure to properly address the alleged rape of former swimmer Sasha Menu Courey, who committed suicide in 2011.

The school has been criticized for failing to act on Menu Courey’s allegations that she was raped by several football players in 2010.
The school has also been dinged for its lax enforcement of federal Title IX laws, which prohibit sexual harassment and discrimination in relation to educational programs.

In particular, a report from an outside law firm found that the school should have alerted its Title IX coordinator and the local police to Menu Courey’s claims after a public records request submitted by her parents produced documents alluding to the alleged sexual assault.

Initially, Mizzou officials said the school didn’t act right away because neither the student nor her parents immediately sought a police investigation. Columbia police have since opened an investigation into Menu Courey’s allegations.

Under the new rules approved by the UM board on Thursday, Wolfe has the authority to create sexual assault and mental health policy through executive order in areas where the system’s current rules are hazy.

Wolfe was given the increased authority through October, at which time the board is expected to adopt a comprehensive policy to address sexual assault on campus.

“We’re trying to get our people trained and our processes identified so we can start off the fall semester on the right foot,” Wolfe said.

It’s unclear, however, how far along the board will be in overhauling its sexual assault policies by October. Board member John R. Philips, of Kansas City, said the process is only about 25 percent complete.

After the meeting, Wolfe said he wasn’t sure the board would have a comprehensive plan in place by the next board meeting.

“But you also have to consider that this is a never-ending process of improvement,” he said.

The board, on Thursday, also voted to add gender identity and gender expression to the system’s nondiscrimination policy, a move thought to be board members’ most recent change to the policy in 11 years.

The policy previously banned employee discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, status as a Vietnam era veteran, but did not mention gender or gender expression.

Student body presidents within the UM system praised the move in a statement released shortly after the vote. “I am humbled and very proud to be a part of the institution that was at the forefront of this piece of important institutional change,” University of Missouri-Kansas City Student Body President Rachel Jenkins said in the statement.
Curators approve fiscal year 2015 budget

By Ashley Jost

Thursday, June 19, 2014 at 7:04 pm

The University of Missouri Board of Curators unanimously approved the university’s $1.2 billion operating budget for the coming fiscal year, which begins July 1.

The budget, passed Thursday afternoon, includes $21 million in performance funding dollars provided by the state.

Performance funding grants a portion of each school’s state appropriations based on achievement in five performance measures, including student retention, graduation and job placement rates. The performance funding legislation, Senate Bill 492, was signed into law by Gov. Jay Nixon on Thursday afternoon.

Tom Richards, interim vice president for finance and treasurer of the UM System, said the budget increase for faculty and staff raises will range from 0 to 3 percent, a decision that is part of each campus’ strategic planning efforts.

“Throughout the second year of our strategic planning process, I applaud the leadership teams on our campuses and at our system for continuing to demonstrate real leadership by making the challenging decisions to ensure that our precious resources are aligned with our mission and overall strategy,” UM System President Tim Wolfe said in a news release. “We are pleased that we could meet all five performance measures in areas such as graduation rates, enrollment and student learning to once again earn this critical funding.”
MU pursues new softball, indoor football fields

COLUMBIA, Mo. (AP) — University of Missouri curators are weighing a request by the flagship Columbia campus for a new women's softball complex and a new facility for indoor football practices.

A proposed master plan for the Columbia campus includes the two new athletic facilities. The projects have the support of both university system President Tim Wolfe and campus Chancellor R. Bowen Loftin.

The proposed softball diamond would replace 34-year-old University Field and be located east of the Hearnes Center on what is now a university parking lot.

The new football facility would be attached to the west side of the Mizzou Athletics Training Complex. The football team's current indoor practice space at Devine Pavilion would still be used by other university teams.

Engineering dean steps down after 20 years

By Clarissa Buch

College of Engineering dean James Thompson announced he would step down from his position on Sept. 1.

Thompson was appointed as dean in 1994, and according to Interim Provost Ken Dean, he leaves a great legacy behind at MU.

“He’s been the dean a long time and has done a lot at the college,” Dean said. “The college itself has grown a lot and so has research and student enrollment.”

Since Thompson became dean, undergraduate student enrollment in the college more than doubled and various new academic programs were initiated in areas such as bioengineering, computer science and information technology.
Undergraduate research and hands-on laboratory-based teaching also experienced similar growth in the last 20 years.

“There was one major renovation in Lafferre Hall during his time and other major work done to create new engineering space in the college,” Dean said.

With Thompson’s time at MU quickly coming to a close, MU spokesman Christian Basi said Thompson looks forward to his future beyond the college and plans to spend time with his growing family.

“He has wanted to spend more time with his family for a while now,” Basi said. “He has four children, eight grandchildren and one on the way.”

Thompson was unavailable for comment.

Until a permanent dean is found, Bob Schwartz, UM System’s chief of staff and custodian of records, has been named interim dean of the college starting in September.

Prior to his current position in the UM System, Schwartz served as academic affairs vice provost and executive vice chancellor at Missouri University of Science and Technology.

“He brings a lot of experience as both an engineer and an academic leader,” Basi said. “He has a track record of leading higher education departments and institutions.”

While Schwartz will not be a candidate for permanent deanship, he said he is honored to be the interim dean.

“I must say I am humbled to have the opportunity to lead the MU College of Engineering, which has some amazing things going on,” Schwartz said in an email.

Schwartz will act full time as interim dean while an interim chief of staff and custodian of records for the UM System will be appointed for the time being.

“My plans for the college while serving as interim dean would be to ensure that we achieve the goals that have been stated by Interim Provost Dean and Chancellor (R. Bowen Loftin),” Schwartz said in an email.

Schwartz also said one of his main goals as interim dean is to maintain the momentum of the various programs and projects that are currently ongoing in the College.

A search committee will be formed this summer to start the national search come the fall semester.

Dean hopes to conclude the search by the end of the calendar year.
Nixon signs performance funding bill

By Alex Stuckey astuckey@post-dispatch.com 573-556-6186

JEFFERSON CITY • A bill meant to hold public colleges and universities more accountable was signed by Gov. Jay Nixon today.

The bill would require public universities to utilize five performance criteria, used to determine how much extra money an institution would receive when the state can increase funding.

Higher education institutions also must implement a criteria for job placement statistics related to a student's degree or pursuit of a graduate degree. However, job placement statistics as a performance measure may not be used during years when the state unemployment rate is higher than the previous calendar year’s rate.

Missouri uses a similar formula to fund institutions now, but the bill would make it a law.

In the fiscal year 2015 budget, lawmakers allocated $43 million to higher education institutions based on performance funding. The money would allow for an average of a 5 percent increase for four-year and two-year institutions based on performance.

In a statement, Nixon said this legislation builds on work with higher education institutions to develop and implement an outcomes-based funding model.

“This legislation ... will help ensure Missouri continues to lead the nation in higher education affordability and accountability,” Nixon said.

*The bill is SB 492.*
JEFFERSON CITY, Mo. (AP) — Gov. Jay Nixon has signed legislation that enacts performance-based funding for Missouri's public universities and community colleges.

Funding increases for the schools would be based on how well they meet criteria they have submitted and had approved by Missouri Coordinating Board of Higher Education. Schools also would need to develop a goal for student job placement.

Missouri has used performance standards to determine higher education funding increases in the current year's state operating budget and in the spending plan that will take effect next month. The legislation seeks to ensure the practice continues.

Nixon said the measure he signed Thursday builds on existing state efforts to implement an "outcomes-based funding model."

Higher education funding is SB492
Nixon signs bill extending vet loan forgiveness

JEFFERSON CITY, Mo. (AP) — Missouri Gov. Jay Nixon has signed legislation that continues a loan forgiveness program for students of large-animal veterinary medicine.

The loan forgiveness program expired at the end of June 2013. Nixon signed a higher education bill Thursday that includes a provision removing that expiration date.

The bill also renames the program as the "Dr. Merrill Townley Large Animal Veterinary Student Loan Program."

Townley was a veterinarian from Chamois (shuh-MOY`) who practiced throughout mid-Missouri. He also served as a Republican in the Missouri House from 1983 through 1994 and again from 1997 through 2004.

He died in November 2012 at the age of 78.
US: Better campus stats needed on dating violence

By KIMBERLY HEFLING

WASHINGTON (AP) — The Obama administration wants colleges and universities to compile statistics on stalking, dating violence and domestic violence as part of its ongoing effort to curb sexual assaults on campuses.

The Education Department proposed a new rule Thursday designed to provide a better picture of these problems.

The proposed rule change falls under the Clery Act, which requires colleges and universities to report crime statistics on or near their campuses and provide warnings in a timely manner if safety is threatened. The Violence Against Women Reauthorization Act of 2013 signed by President Barack Obama amended the Clery Act by extending additional rights to campus victims. Victims' advocates have said the statistics, as currently compiled, don't paint an accurate picture of the extent of sexual crimes on campuses.

"These new rules strengthen schools' capacity to provide safer college campuses for students and to keep everyone better informed about campus security policies and procedures," Education Secretary Arne Duncan said.

Among the other proposed rule changes:

—Adding gender identity and national origin as categories of bias under the Clery Act's definition of hate crimes.

—Strengthening confidentiality protections for victims.
requiring colleges and universities to ensure that disciplinary proceedings in these types of cases are "prompt, fair and impartial" and that both the accuser and the accused have an equal opportunity to have an adviser of their choice present at these hearings.

the rule was developed by a committee that included survivors of sexual assault, advocacy groups, law enforcement and college personnel.

laura dunn, founder of survjustice, who served on the committee, said she's pleased with the outcome.

"we came to full consensus," dunn said. "we actually agreed on everything at the end of the day, which was very surprising because there was some heated discussions in the session."

ada meloy, general counsel for the american council on education, which represents college presidents but wasn't at the negotiating table, said her organization will carefully examine the proposed changes to determine whether they would make campuses safer or add to the confusion colleges and universities face as they seek to comply with the law.

the announcement comes nearly two months after a white house task force reported that 1 in 5 female college students is a victim of sexual assault and recommended actions that colleges and universities should take to protect victims and inform the public about the magnitude of the problem. they included ensuring the availability of confidential victims' advocates and conducting surveys to better gauge the frequency of sexual assault on their campuses.

that same week, the education department took the unprecedented step of releasing the names of 55 schools facing federal investigation under title ix for the way they handle sexual abuse allegations by their students.

the public has until july 21 to comment on the new rule.

lisa maatz, an official with the american association of university women, said the changes are significant.

"colleges and universities that want to keep sweeping it under the rug will find it hard to keep doing so given the reporting requirements," maatz said.
Colleges Face New Requirements in Proposed Rules on Campus Sexual Assault

By Monica Vendituoli

Under rules proposed on Thursday by the U.S. Department of Education, colleges would have to train students and employees on preventing sexual assault, dating violence, domestic violence, and stalking. The new rules would direct colleges to compile statistics for all incidents—a new requirement for the latter three categories—and to resolve students’ disciplinary cases promptly and fairly.

This latest federal move on campus sexual assault comes as colleges are grappling with their legal responsibility to investigate and respond to students’ reports of sexual violence, under pressure from activists and the White House. The Education Department is now investigating more than 60 colleges for possible violations of gender-equity law involving alleged sexual misconduct, and U.S. senators including Claire McCaskill, a Missouri Democrat, have signaled interest in legislation to improve colleges’ response to the issue.

The draft regulations—interpreting the Violence Against Women Act, which was renewed by Congress last year—would amend the campus-crime law known as the Clery Act. Among other provisions, they would allow students who report incidents and those accused of perpetrating them to have "an advisor of their choice," such as a lawyer, present during campus disciplinary proceedings. The rules define dating violence, domestic violence, and stalking, and include an updated, more inclusive definition of rape, from the Federal Bureau of Investigation. They also increase protections for the confidentiality of alleged victims and outline requirements for the "prevention programs" and "awareness campaigns" colleges must offer.

Set to be published in Friday’s Federal Register, the rules will be open for public comment until July 21. "Nothing in these proposed regulations," they say, "alters or changes an institution’s obligations or duties under Title IX," the federal gender-equity law that has become a focal point in combating campus sexual assault.
**Timelines and Sanctions**

While drafting the regulations this spring, federally appointed negotiators on a rule-making committee—including college administrators, public-safety officials, advocates for victims, and self-described survivors of sexual assault—brought a number of different perspectives to the table.

How the rules would be applied on campuses was on the minds of many negotiators, said Jill Dunlap, director of campus advocacy, resources, and education at the University of California at Santa Barbara, who served on the committee. "The best work we did," she said, "was providing some clarity for institutions."

Defining the new categories was a challenge because of the lack of existing federal guidance, said Rick Amweg, another negotiator and director of campus safety and security for the Ohio Board of Regents. "If you look broadly across all 50 states, those definitions are not the same," he said. For example, he pointed out, "not every state has a dating-violence statute." Discussions to define stalking lasted for weeks, said Ms. Dunlap.

To help colleges in responding to students’ reports, the rules set guidelines for investigating and resolving alleged incidents of sexual violence. For instance, colleges should ensure that officials handling such cases are "appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused" and that both parties "receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures."

The disciplinary process should be transparent, according to the draft regulations, with the "steps, anticipated timelines, and decision-making process" all spelled out. Colleges must also "list all of the possible sanctions" and "describe the range of protective measures" available to alleged victims, the proposed rules say.

**Emphasis on Speed**

The emphasis on prompt resolution is important, said S. Daniel Carter, a negotiator and director of the 32 National Campus Safety Initiative of the VTV Family Outreach Foundation, an advocacy group representing survivors and victims of the mass shooting at Virginia Tech in 2007. "I’ve seen cases go on for a year," he said, "and that’s not fair for either party."

The draft regulations do not specify a time frame in number of days.

Allowing lawyers in disciplinary hearings—a point of debate during the rule-making process—was a welcome development to some. "Hands down, the best thing that came out of it is no longer can schools refuse to allow a survivor to bring in an attorney," said Bridgette Harwood, negotiator and co-executive director of legal services at the Network for Victim Recovery of DC.

Advocates of alleged perpetrators’ due-process rights have also supported the presence of lawyers. During the negotiations, one call for such advisers came from Joshua Strange, a student who was expelled from Auburn University after being found responsible for sexual assault, but
whom a grand jury declined to indict. "You have no idea—no idea—what kind of difference that can make," he said.

"The way the system was set up," he said of his campus process, "I was guilty automatically."

After some tense exchanges, negotiators agreed to keep the adviser provision in the proposed rules, with a slight modification. While colleges would not be allowed to limit a student’s choice of adviser, they could control the extent of that person’s participation in any proceedings—as long as the restrictions applied to both parties.

As for how colleges resolve cases, Nancy Chi Cantalupo, a negotiator and research fellow at the Victim Rights Law Center, was pleased to see the proposed rules call for explanation. "Schools will be required to state a rationale for both their decisions in student-disciplinary proceedings and for any sanction that they give the student found responsible for misconduct," she wrote in an email.

**Debate Over Standard of Proof**

In describing prevention programs, the rules do not require the use of specific materials. They direct colleges, meanwhile, to state prohibitions of sexual assault, dating violence, domestic violence, and stalking, and to define those terms, as well as "consent, in reference to sexual activity." Prevention programs, the rules say, must also include "a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution’s policies and procedures after a sex offense occurs."

Connie L. Best, a negotiator, clinical psychologist, and professor at the Medical University of South Carolina, was pleased with the rules’ outlines for educating students. "Prevention strategies have always been how a potential victim can stop a sex assault from happening," she said. She saw the new rules as putting equal emphasis on the behavior of potential perpetrators.

Some negotiators had hoped for a few more elements in the proposed rules, such as a reference to the standard of proof previously established by the Education Department. The agency has told campuses to determine responsibility in sexual-assault cases based on the preponderance of the evidence (i.e., more likely than not), a standard used in civil cases, as opposed to the higher standard of "beyond a reasonable doubt" required for a criminal conviction.

"I wish that ‘preponderance’ could have been included," Cat Riley, a negotiator and Title IX coordinator at the University of Texas Medical Branch, in Galveston, Tex., wrote in an email. "At least Title IX requires that standard," she said.

In introducing the proposed rules, the negotiators asked that the Education Department "include further clarification and guidance … in future documents" on the issue of consent. Whether and how colleges define that concept varies.

After the public-comment period on the proposed regulations ends next month, the department will work to make the new rules final. It expects to publish them by November. By then, there
could be new federal legislation on campus sexual assault. Next week the Senate’s Health, Education, Labor, and Pensions Committee will hold a hearing on "the problem of sexual assault on college campuses," it said in a statement. The committee wants to discuss "ways that federal laws, including Title IX and the Clery Act, seek to hold schools accountable and help keep students safe."

**Changes to Campus Safety Rules**

June 20, 2014

By [Jake New](https://insidehighered.com)

**NO MU MENTION**

In a continuing effort to curb campus sexual assaults, the Department of Education officially [proposed a new rule Thursday](https://insidehighered.com) that requires colleges and universities to compile statistics for incidents of dating violence, domestic violence and stalking.

The rule, which would implement changes to the Clery Act under the Violence Against Women Reauthorization Act of 2013, is an attempt at providing a clearer picture of the environment in which sexual assaults of students take place, the department said. The Obama administration is currently investigating more than 60 institutions for their handling of sexual assault cases.

“The Department has the responsibility to ensure that our higher education institutions are creating safe environments for students and are appropriately reporting crimes that occur on or near their campuses,” Arne Duncan, the U.S. secretary of education, [said in a statement](https://insidehighered.com). “These new rules strengthen schools’ capacity to provide safer college campuses for students and to keep everyone better informed about campus security."
A 15-member negotiated rule making panel consisting of sexual assault survivors, victims’ advocates, law enforcement representatives, and college officials, reached a consensus in April about what the changes should be. The rule proposed Friday largely reflects that earlier draft.

The changes add gender identity and national origin to the definition of hate crimes under the Clery Act, the federal law that requires institutions to disclose information about campus crimes; strengthens protections for victim confidentially while helping survivors access support services and legal options; and requires that disciplinary proceedings – including appeals – are prompt. It also adopts the FBI’s more nuanced definition of rape.

S. Daniel Carter, a campus safety advocate who served on the rulemaking committee, said the updated definition may be the most significant change to the rule. Some states have far more limited definitions of rape than the federal description.

“That change is very notable in that it’s a more inclusive definition,” Carter said. “The Clery Act from 20 years ago already had a more modernized definition than the traditional Uniform Crime Report’s, and this is now even more inclusive as it’s irrespective of gender.”

Another change receiving praise from student safety advocates is the requirement that universities allow both the accuser and the accused to be accompanied by an adviser of their choice during disciplinary proceedings. While universities can still limit how an adviser participates in the process, the new rule represents a marked shift in the statute. Originally, institutions controlled which types of advisers students could have.

This change was contested during the rule making process by some members of the panel, including Dana Scaduto, general counsel for Dickinson College, as it would allow lawyers to be present during much of the proceedings. Scaduto referred to the alteration in April as a “sea
change.”

Laura Dunn, executive director of SurvJustice and a sexual assault survivor who served on the rulemaking panel, said the change provides more concrete rights to survivors while still being fair to those accused of sexual assault.

“Schools would limit who could be brought in, but in reality there would often be an attorney in the wings helping the accused,” Dunn said. “It was a distinctly unfair business. So advisers are important. A lot of victims are retraumatized by the process. They’re cursed at, or demeaned, or humiliated with details regarding their sex life or mental health discussed openly. Just having an adviser there can help that.”

Dunn said the changes also clarify how sexual assaults -- and now other crimes like stalking -- are reported. Some students had the perception, she said, that if a sexual assault was reported by a survivor’s friend, for example, an institution would be required to investigate the assault without the survivor’s consent.

The new regulations specify that Clery Act reporting does not require an investigation.

“A friend might be concerned and tell an RA, and suddenly the RA is in the survivor’s room questioning her about the assault,” Dunn said. “And that’s not what the survivor wanted. She may have just been seeking a friend. The proposed rules clarify that. We don’t want victims scared into silence because they’re not in control of their choices.”

The changes will be open for public comment until July 21, with the final regulations due to be published by November 1, so they can take effect by July 1, 2015.
June 20, 2014

At Midpoint of O’Bannon Trial, NCAA Struggles to Make Its Case

By Brad Wolverton

Midway through a federal antitrust trial that could reshape the future of college sports, two questions are on the minds of many observers: Is the National Collegiate Athletic Association’s amateur model in jeopardy? And how might the association’s remaining witnesses help bolster its case?

The plaintiffs, including Ed O’Bannon, a former UCLA basketball star, say the association has unfairly restricted them from earning a share of the vast television revenue in college sports. The NCAA has vigorously defended its system, arguing that giving athletes a cut of the licensing money would threaten competitive balance, turn away fans, and harm the education values it holds dear.

A lot could still happen in the trial’s final six days, when a number of the NCAA’s key witnesses will be called. Mark Emmert, the association’s leader, offered testimony on Thursday suggesting that sports and academics go hand in hand and that intercollegiate athletics strengthen the college experience for students who play sports as well as those who don’t.

Lawyers for the plaintiffs attempted to show how the association’s amateur rules have shifted over time, increasingly benefiting the colleges but not the players, and that Mr. Emmert had done little to curtail commercialization during his tenure as president. Another high-profile leader, James E. Delany, commissioner of the Big Ten Conference, is expected to take the stand on Friday.
Over the first week and a half of testimony, the plaintiffs have poked holes in the NCAA’s education defense, offering up a handful of former athletes who said they had spent more than 40 hours a week on their sport, had been directed into majors that suited their basketball or football schedules but that they were not interested in, and had been generally disconnected from the campus.

The NCAA has tried to rebut those claims, suggesting that the players had had meaningful college experiences that went beyond athletics. But some legal observers say the association has had a difficult time making that case.

"The economic enterprise that the NCAA has presided over has become so professionalized that it’s very difficult for the NCAA to argue that this is about students engaging in extracurricular activities or that its collegiate model is terribly unique and needs to be preserved," said Brian L. Porto, a law professor at Vermont Law School who wrote a book about previous antitrust cases involving the NCAA.

Contracts and Rights
Lawyers for the plaintiffs have also chipped away at the NCAA’s contention that there is no market for players to license their images. On Wednesday the chief legal officer at Electronic Arts testified for the plaintiffs that a market does exist for players’ names and likenesses among video-game manufacturers. Last week the plaintiffs presented documents showing that television networks appeared to obtain the rights to athletes’ names and likenesses for use during live sporting events. The NCAA disputed the meaning of that language, which appeared in a television contract between the Big 12 Conference and Fox. The association has denied that it must acquire the name and image rights of athletes because the players don’t legally have those rights anyway.

In one of the trial’s more memorable moments, a witness for the NCAA, Neal H. Pilson, a former president of CBS Sports, described the University of Alabama’s football program as a "pro team," saying that its fans would support the Crimson Tide whether or not its players were paid.
His comments contradicted two important NCAA arguments in this case: that big-time college athletes are amateurs—a point Mr. Emmert emphasized repeatedly on Thursday—and that paying them a share of licensing revenue would make the games less popular.

The NCAA has often invoked "amateurism" to defend itself in federal lawsuits. But the judge in this case, Claudia Wilken of the U.S. District Court in Oakland, Calif., has said that such a defense does not apply here.

That didn’t stop Mr. Emmert from referring to the concept multiple times on Thursday, using it to describe the core framework of the association that has been in place for more than 100 years.

He argued that an athletic scholarship is not a form of compensation, and voiced no support for a proposal that would allow athletes to receive deferred compensation for the commercial use of their images, saying it was inconsistent with amateurism. "It’s pay for playing," he said, "regardless of whether it’s paid today or paid tomorrow."

He stressed the need to keep players free from commercial exploitation. "You don’t want to have amateur student-athletes in a situation where they are pitching for products," he said.

Positioning athletes next to a commercial product for advertising purposes is expressly against the rules, Mr. Emmert testified. But when a plaintiffs’ lawyer showed him photographs of athletes at postgame news conferences with backdrops that had commercial sponsors’ logos, the NCAA leader admitted that he wasn’t always so sure about the lines.

"That’s certainly not where I would have the rules be drawn," he said.

The Education Business

Earlier this week, another NCAA witness, Christine Plonsky, women’s athletic director at the University of Texas at Austin, testified about the importance of
integrating academics and athletics, describing how the Longhorns’ athletics department gives the university some $9-million a year for academic purposes from its roughly $166-million budget.

As Ms. Plonsky described it, Texas is a model for how to make education a priority and succeed in sports. The university is not known for recruiting as many academically underprepared students as some of its rivals are. And Ms. Plonsky, who has served as a national leader on issues of student welfare, described herself and her department as being in the education business. (The university’s graduation rate for football players—56 percent in the NCAA’s most recently published report—did not exactly help that case.)

But with Ms. Plonsky on the stand, the plaintiffs’ lawyers were able to introduce emails that could hurt the association’s case. One set of messages involved an NCAA committee on commercialization on which Ms. Plonsky served.

The committee, formed in 2007, invited such sponsors as Cingular Wireless, State Farm, and ESPN to weigh in on the evolving commercial market. Representatives from each company said they were interested in increasing their access to players.

According to the minutes of a committee meeting, Myles Brand, then the NCAA’s president, questioned where the line was with athlete endorsements. "We cannot exploit individual athletes," he said, "but it’s not clear what exploitation is."

In one email, Ms. Plonsky acknowledged the market for students to trade on their images and likenesses: "What’s to prevent all players from suing us to get a piece of every broadcast-rights fee," she asked, "since clearly we use their names and images in those telecasts?"

In another email, a former faculty athletics representative at the University of Iowa, Elizabeth M. Altmaier, who worked with Ms. Plonsky on the NCAA’s commercialism committee, suggested that colleges loosen the rules on paying athletes for their images.
Graham B. Spanier, then president of Pennsylvania State University, strongly objected to that idea, according to an email he sent David Berst, a top NCAA official. As the committee prepared a report on its findings, Mr. Spanier urged the NCAA to avoid including the idea.

"I wouldn’t put this in the report at all," Mr. Spanier wrote, "not even a hint of the possibility."

**Game Over?**

So how vulnerable is the NCAA’s amateur system? While one observer declared "game over" for the defendants, some legal experts were more cautious. They pointed out that antitrust cases are among the most challenging to understand, and they hesitated to pick a winner before all the evidence had been presented. The NCAA, they said, still has plenty of time to build its case, with several key witnesses yet to testify. After Mr. Emmert finishes his testimony, on Friday, Mr. Delany, the Big Ten commissioner, is set to answer questions.

He is one of the most ardent defenders of amateurism, at one point predicting that, if colleges were required to pay players a share of licensing revenue, many athletic departments would leave the NCAA’s Division I for Division III. (Mr. Emmert made the same argument on Thursday, adding that such a change would also lead to the elimination of teams.)

In the coming days, the association is also expected to call two other top conference officials, at least one economics expert, and a researcher who has studied athletes’ graduation rates.

Whatever the outcome of the case, legal observers say, the NCAA appears to be readying for an appeal. Many times over the past two weeks, the association’s lawyers have raised objections to statements by the plaintiffs.

The judge has overruled the vast majority of those objections, but the NCAA has shown no sign of backing down.
WASHINGTON -- After months of hearings, the two key lawmakers charged with overseeing the reauthorization of the Higher Education Act in the U.S. Senate are beginning to stake out firmer positions on what they want to include in the massive law that governs colleges and universities.

Senator Lamar Alexander of Tennessee, the top Republican on the Senate education committee, on Thursday unveiled his plan to drastically simplify the federal student aid system. His announcement comes as Senator Tom Harkin, the Iowa Democrat who chairs the panel, is preparing to release a package of Higher Education Act proposals next week.

While Harkin is expected to provide a sweeping framework for how to rewrite the law, Alexander’s legislation released Thursday is focused only on overhauling student aid programs.

**FAFSA ‘On A Postcard’**

The [bill](#), which is co-sponsored by Senator Michael Bennet of Colorado, a Democrat, would eliminate the Free Application for Federal Student Aid, known as FAFSA, which asks families more than 100 questions about their financial situation. Most applicants would instead have to provide only their family size and household income.
Alexander has, for the past several months, been using the 10-page paper FAFSA application as a favorite prop during his higher education speeches (a shtick reminiscent of Margaret Spellings, who was education secretary under President George W. Bush). He has held up the form as a prime example of the need to deregulate and simplify federal oversight of higher education. The current FAFSA, Alexander says, is too complicated and cumbersome, and a waste of family and taxpayer resources. A growing chorus of education researchers and advocates have also said that the complexity of the current FAFSA is a significant barrier for getting more low-income and first-generation students to apply to and enroll in college.

Judith Scott-Clayton, an assistant professor of economics and education at Teachers College at Columbia University, said at an event unveiling the legislation Thursday that her work has found that the federal government can assess the financial needs of families just as effectively with just a few simple questions.

“If we need more complexity at some point or in some circumstances, let the burden be on why that’s needed,” she said. “The current form is a barrier to success.”

The bill would also restore year-round eligibility for Pell Grants while also providing more flexibility for how those awards are used by students -- provisions welcomed by many advocates for low-income and nontraditional students.

In addition, the legislation calls for a streamlining of federal student aid programs. It would create “one undergraduate loan program, one graduate loan program, and one parent loan program.” Such a provision would eliminate a range of other types of existing federal loans, such as subsidized loans for undergraduate students.

That provision is likely to be “very controversial” among higher education officials, said Terry W. Hartle, senior vice president for government and public affairs at the American Council on Education. But, he said, “this is a chance for everyone to put their ideas on the table.”
Some colleges, especially private institutions, have also said that they’re concerned about making the FAFSA too simple.

“Should there be some weeding down? Of course so,” said Cynthia Littlefield, vice president for federal relations at the Association of Jesuit Colleges and Universities. But, she said, since many institutions use the more complex questions on the form as a basis for doling out their own institutional aid dollars, they would still need some way to obtain that information from students.

“We would probably have to look at the concept of putting new forms together so that they would have enough information to make those decisions,” she said.

**Harkin Proposal Coming**

Alexander told reporters Thursday that he had provided Harkin a copy of his legislation in advance of the Higher Education Act proposal Harkin will be releasing.

"This will be a contribution to the bipartisan Higher Education Act process that’s ongoing," Alexander said of his FAFSA simplification legislation. “This is one suggestion.”

Still, there are signs that the reauthorization process could soon turn divisive as more proposals take shape in the form of bills.

Harkin’s proposal is expected to include a handful of policies that Republicans, including Alexander, are likely to find objectionable. It will include legislation that would allow borrowers to refinance student loan debt, and a student-unit record system to track graduates’ success in the work force, according to people who have been briefed on the plan.

It will also call for tougher accountability measures for for-profit colleges, including a stricter cap on the share of revenue that such institutions can receive from the U.S. Department of Education (from 90 percent of total
revenue to 85 percent). Colleges will also face restrictions on using federal money for advertising and marketing purposes.

Alexander, meanwhile, is working with colleges on finding ways to reduce regulatory burden during this reauthorization of the Higher Education Act. That task force was formed by a bipartisan group of senators, but Harkin is not a member.

Harkin said in a statement Thursday that he welcomed Alexander’s thoughts on financial aid simplification but also looked forward to the broader legislation he plans to release “in the coming days.”

“A few of the ideas Sen. Alexander included in his proposal are consistent with the comprehensive higher education proposal I will soon unveil,” he said. “We cannot have a piecemeal approach to tackling the rising cost of a college education. We need a comprehensive strategy that addresses the higher education system as a whole, taking into account states, students, and institutions.”