UPDATE: MU concludes investigation into federal grants

Tuesday, September 23, 2014 | 4:31 p.m. CDT; updated 7:46 p.m. CDT, Tuesday, September 23, 2014

BY THE ASSOCIATED PRESS

COLUMBIA — MU said Tuesday that it's ended its investigation into federal grant spending that was prompted by a wildlife biologist's complaint to the federal government, saying the assistant professor won't agree to an interview with the school.

Assistant professor Dylan Kesler's False Claims Act lawsuit alleged two colleagues in the Department of Fisheries and Wildlife Sciences improperly paid their spouses from pools of federal scientific research money while the women remained home with newborns. Kesler was subsequently denied tenure by Chancellor R. Bowen Loftin — a response that Kesler calls retaliation for the federal complaint.

University officials called Kesler's complaint "unfounded" after the Justice Department decided against pursuing the case. The school says it's no longer reviewing the transactions. School officials have declined to discuss Kesler's tenure denial, citing confidentiality.

Accounting records reviewed by The Associated Press show that soon after university officials met with a federal prosecutor and another federal official, a campus fiscal office transferred nearly $60,000 in state funds to replace federal grants paid to one of the women cited in Kesler's suit.
Kessler said it shows the university was trying to cover something up. But university spokeswoman Mary Jo Banken said the timing of the replenishment of the federal grants was coincidental and "relates to a separate issue that was identified during the investigation."

"In the course of reviewing one of the researchers' work, it became unclear to us whether her particular work, which was within the scope of (her husband's) research program, should have been funded by university funds or federal funds," she said in a written statement. "We did not want there to be any question about the funding of her salary, so we decided to shift the funds so her salary would be covered by the university."

Kessler's confidential complaint was made public in July after the U.S. attorney's office in Kansas City declined to intervene. The Justice Department told Kessler he can continue to litigate on the government's behalf, but since the university is a public entity, he wouldn't be eligible to receive any money, including for legal fees, should his claims prevail. Kessler said he'll drop the federal case but pursue other action in state court.

In the meantime, he's out of a job after next semester. Kessler's attorney, George Smith, a former University of Missouri professor who became a lawyer after his own legal battle with the school, called his client's treatment a "pattern of abuse of process and derogation of faculty rights." He represents seven other professors or former faculty members at the Columbia campus who are suing the school over their treatment.

"It is unprecedented for this degree of litigation involving faculty rights and conduct to be occurring at a major research institution," he said.

University of Missouri curators to vote on Title IX rule changes

By Ashley Jost Tuesday, September 23, 2014 at 1:00 pm Correction appended

The University of Missouri Board of Curators is expected to vote at its upcoming meeting on a series of changes to the Collected Rules and Regulations, the governing document for the UM System, specifically addressing Title IX and sexual discrimination-related issues.
UM System leaders announced the pending changes — which were created by an executive order from UM System President Tim Wolfe — Monday afternoon.

The proposed changes clarify definitions of sexual discrimination and the long list of actions that fall under the scope of federal Title IX protection, including sexual harassment, sexual assault, stalking and dating violence. Title IX was created in 1972 and prohibits sex discrimination, including sexual violence, in education.

The changes also replace existing rules on sexual harassment and the work environment and explicitly outline the procedures the Title IX office on each campus will follow to investigate cases.

The Board of Curators must vote to approve the changes. The curators’ next meeting is Oct. 2 and 3 at the Kansas City campus.

The rules set a tentative time frame of 60 days for each investigation. Throughout the entire process, the victim and accused are each allowed to have one adviser with them, which could be a parent, attorney or even a trained adviser provided by the university.

The procedure mentions appeals available to victims and the accused at multiple points during the process, and possible outcomes for the accused — from a reprimand to expulsion — if the investigation finds them guilty.

After Wolfe’s April executive order designated every employee a mandated reporter — meaning they are obligated to report any Title IX violation they hear of — there were questions about who was exempt from that status. Employees with a legal obligation or privilege of confidentiality, which include health care providers, counselors, lawyers and associated staff, are exempt. Campuses can also designate nonprofessional counselors or advocates as exempt, but those individuals are required to report to the campus Title IX coordinator once a month to relay non-personally identifiable information about violations.

The rule change requires mandated reporters to “promptly” file a Title IX report to the campus coordinator. UM System spokesman John Fougere said the details of what constitutes prompt reporting are being worked out and will be addressed in training.

Student conduct proceedings would also change. Under the new rules, a pathway would be in place to deal with students or student organizations facing discrimination claims.

Craig Roberts, chairman of the MU Faculty Council, said while faculty understand the urgency of ratifying these rule changes, there are still several concerns.

“One of the big problems is the faculty take those collected rules very seriously and have contemplated them over years and years,” he said. “They want time to discuss these changes, but it’s happened very suddenly. Faculty aren’t thrilled about it, but they’re starting to understand and sympathize with the reality that we have to get these Collected Rules changed so we can handle some pending misconduct cases.”

Despite the rush, Roberts said upper-level administrators at the system level have made good-faith efforts to engage faculty as the executive orders leading to the rule changes have been drafted the last few weeks, which has built trust. Wolfe wasn’t required to consult anyone on his executive orders but did so anyway.

“After they’re ratified, faculty still want to take a close look at these,” Roberts said. Among the concerns are whether faculty can be involved in the new hearing panels for the sex discrimination conduct board. The current rule says administrators and staff can be appointed. Faculty weren’t included because of concerns that students involved in the conduct processes might have to encounter those professors again. Roberts said discussions about faculty involvement — or even a faculty oversight committee — are in progress.
Roberts said faculty members will talk to administrators about other rule changes, including how they’ll affect faculty accused of violations against students.

Changes to the Collected Rules were written with assistance from a consultant group, the National Center for Higher Education Risk Management, hired earlier this year.

Wolfe said in a statement the UM System’s goal is to “set a national example” in addressing sexual misconduct.

The UM System announced Tuesday it is making a new round of amendments to policies dealing with sexual violence and discrimination across all four campuses.

Changes to student conduct policies state that students, employees, volunteers and visitors of the universities — except individuals like health care providers and counselors — are now required to report sexual violence or misconduct to a chief student affairs officer or Title IX coordinator.

The system also created a new resolution process for all discrimination claims.

Chancellors are required to appoint at least 10 administrators or staff members to serve as hearing panelists in the Formal Resolution Process. Three trained members of that group of panelists will serve as the Formal Hearing Panel for a specific complaint.

Each chancellor will also appoint a “trained, senior-level administrator” to hear all appeals from the resolution process.

The Board of Curators will hear about the changes and vote whether to ratify them during its Oct. 2-3 session at the University of Missouri-Kansas City.

The changes follow UM System President Tim Wolfe’s executive order in April, which designated all system employees with knowledge of sexual harassment against a student as “mandatory reporters.”

Chancellor R. Bowen Loftin also announced in August the hire of new Title IX coordinators and investigator, and the development of a mandatory reporting training program for faculty members.

UM System spokesman John Fougere said the National Center for Higher Education Risk Management was paid $495,000 to advise the system on Title IX policy changes and assess resources that exist on each campus to deal with sexual assault.
Wolfe said in a news release that he hopes the new changes will set an example for other universities across the country.

“It is imperative that our four campuses set a national example in terms of how we address the challenging issue of sexual misconduct, which is exactly the goal of the (UM System),” Wolfe said in the release. “We want other colleges and universities across the nation to look to the University of Missouri as the model of how we prioritize and ensure the safety of all of our students, faculty and staff.”

COLUMBIA MISSOURIAN

'Black at Mizzou' participants discuss student experience at MU

Tuesday, September 23, 2014 | 10:26 p.m. CDT; updated 7:49 a.m. CDT, Wednesday, September 24, 2014

BY ROSE MCMANUS

COLUMBIA — More than 100 MU students and faculty squeezed into the Gaines/Oldham Black Culture Center Tuesday night to discuss the black student experience at the university.

The center hosted the second Black at Mizzou discussion Tuesday evening. The event was targeted toward incoming freshmen and transfer students and focused on issues relevant to all students new to MU, as well as issues faced specifically by black students on campus, according to center director Jonathan McElderry.

A panel of students as well as audience members offered insights about common issues faced by freshmen, such as off-campus housing concerns, meal plans and religious services. MU student Summer Becquette reminded freshmen to let go of expectations of what the college experience will be like.

"Everything is not always going to be ideal, so there is no ideal college setting," Becquette said.

MU student and panelist Arianna Poindexter discussed what it's like to attend classes with few other black students. "It's just a different experience, but I think that experience is going to help me," she said.
The conversation brought attention to issues that divide the MU community and the black community at MU, such as conflicts between new and returning students or students from different cities. Panel member and student Naomi Daugherty emphasized the importance of the Black Culture Center on campus as a unifying place.

"It's so important to have these spaces and to understand, although we're black, we are black plus things. This isn't the first stop to our identities," she said. "We're just so much more powerful as a collective than as individuals."

MU student Curtis Taylor Jr. closed the conversation by addressing the crowd.

"Be comfortable in the skin that you're in, because that's what makes us black at Mizzou," he said.

_Supervising editor is Elise Schm_
Although the program is brand new, forty women from the University as well as private industry have joined.

So, what’s next for WVEN? Its next step is to organize meetings at regional conferences, pursue grants and provide additional opportunities for its members.

For more information regarding this program, visit their website.

Infant cooing, babbling tied to hearing ability

WASHINGTON: Babies explore their own vocalisations and learn through their capacity to produce sounds, a new study has found.

University of Missouri researchers have found that infant vocalisations are primarily motivated by babies' ability to hear their own babbling.

They found that infants with profound hearing loss who received cochlear implants to help correct their hearing soon reached the vocalisation levels of their hearing peers, putting them on track for language development.

"Hearing is a critical aspect of infants' motivation to make early sounds," said Mary Fagan, an assistant professor in the Department of Communication Science and Disorders in the MU School of Health Professions.

"This study shows babies are interested in speech-like sounds and that they increase their babbling when they can hear," she said.

Fagan studied the vocalisations of 27 hearing infants and 16 infants with profound hearing loss who were candidates for cochlear implants, which are small electronic devices embedded into the bone behind the ear that replace some functions of the damaged inner ear.

She found that infants with profound hearing loss vocalised significantly less than hearing infants.

However, when the infants with profound hearing loss received cochlear implants, the infants' vocalisations increased to the same levels as their hearing peers within four months of receiving the implants.

"After the infants received their cochlear implants, the significant difference in overall vocalisation quantity was no longer evident," Fagan said.

"These findings support the importance of early hearing screenings and early cochlear implantation," she said.
Fagan found that non-speech-like sounds such as crying, laughing and raspberry sounds, were not affected by infants' hearing ability.

She said this finding highlights babies are more interested in speech-like sounds since they increase their production of those sounds such as babbling when they can hear.

The study was published in the Journal of Experimental Child Psychology.

NCAA boss says domestic violence a school issue

By DAVE SKRETTA

KANSAS CITY, Mo. (AP) — NCAA president Mark Emmert believes it's the responsibility of individual schools to handle issues of domestic violence and sexual assault, and that a spate of recent cases reflect greater societal problems.

"If a student-athlete engages in bad behavior, they have to be subject to the same standards of conduct as everyone else," Emmert told reporters Tuesday before delivering a lecture at Kansas City's Rockhurst University about the future of college sports.

"The most important thing to the NCAA membership," Emmert said, "has always been that students aren't treated in any privileged or disproportionate fashion."

That doesn't mean that such issues haven't been brought to Emmert's attention.

The NCAA announced a partnership last week with the White House on a new campaign called "It's On Us," which is designed to get young men and women to take responsibility for themselves and their behavior. The NCAA also released a new handbook last month to universities and athletic departments that shares best practices for handling domestic violence and sexual abuse.
Those issues have been in the spotlight recently in the NFL, where a series of high-profile abuse cases involving stars such as Ravens running back Ray Rice and Vikings running back Adrian Peterson have led to widespread change in the way the league handles domestic violence cases.

Similar cases have occurred on college campuses, generating far less attention. This week, Tennessee dismissed a freshman running back from its football team after a police report stated he hit an ex-girlfriend in the mouth at a party.

"The real question is, 'Should-athletes be held to a higher standard?' I want them to be held to the same standards that you and I are," Emmert said. "I don't know that we need to hold them to a higher standard. ... They are in many cases highly visible people and they have to know that there are certain responsibilities, and they need to be handled accordingly."

Emmert did acknowledge one difference when star players misstep.

"They just end up quicker on Twitter than someone who isn't a student-athlete," he said.

Emmert didn't directly discuss the case of Florida State quarterback Jameis Winston, who was suspended for last week's game against Clemson for yelling a vulgarity on campus. But he did say that the majority of schools handle similar situations in the appropriate manner.

"Most universities understand that's a reflection on the university," he said. "Universities have a lot more at stake in holding students accountable for their behavior. I wouldn't say it's done right all the time, but it is done right most of the time."

Emmert also stood by his pronouncement to Division I faculty athletic representatives that the handling of sanctions relating to the Penn State scandal "has gone very well."

Emmert was criticized for stepping outside the normal channels in handing down significant penalties, including scholarship reductions, a four-year bowl ban, millions in fines and more than 100 vacated wins. He was criticized again when the NCAA announced recently that it was rolling back most of the penalties and restoring the school's scholarships and postseason eligibility.

"I don't think there's any way to handle a situation like that and try to make everyone happy," Emmert said. "There was nothing happy about that circumstance. ... The executive committee's approach, the Division I board of director's approach, is not. 'What can we do to make everyone happy?' It was, 'What's the right course forward?"

Emmert said Penn State has conducted itself in an appropriate way in the two-plus years since the sanctions were levied, calling the school "a model of intercollegiate athletics."
"It's easy to go back and Monday-morning quarterback something like that," he said, "but I think everyone did as well as they could under those circumstances."