Opinion: For Missouri professor, the law bites back

By Marc Randazza

Updated 3:05 PM ET, Tue January 26, 2016

When you seek to cast aside other people's rights, in the name of your own personal agenda, you never know when you might want those rights intact for yourself. On Monday, Melissa Click learned that lesson, as prosecutors charged her with assault.

Click is the communication professor who grabbed a videographer's camera and said in a confrontation with a reporter covering a public protest at the University of Missouri: "Hey, who wants to help me get this reporter out of here. I need some muscle over here."

But, using authority and/or intimidation against First Amendment rights is like summoning Beetlejuice -- he just might show up, but he won't be easy to control.

When her conduct went public, Click doubled down in an "apology," but one in which she ultimately blamed the victim.

"I regret the language and strategies I used, and sincerely apologize to the MU campus community, and journalists at large, for my behavior, and also for the way my actions have shifted attention away from the students' campaign for justice. My actions were shaped by exasperation with a few spirited reporters."

She did not sincerely apologize for wishing to use censorship, violence, or excessive authority to shut down someone's First Amendment rights. She blamed others. If only they had not exercised their rights, her statement, suggested, she would not have been provoked into a "distraction."

Click kept her teaching job, despite reasonable calls for her to be fired. And now, someone has decided that something had to be done about her.

Just like Beetlejuice, the "muscle" arrived. Now she is being criminally prosecuted for third-degree assault, a misdemeanor. She raised the stakes on foolishness, behaving like an over-privileged brat, thinking that the gun would never point the other way. After all, she was championing "social justice," and as we have seen in the past, champions of this brand of leftist
thought believe that their ends justify any means. Click decided that she was there to champion her political brand, and if it meant threatening a journalist, then that was the politically correct thing to do.

She was no longer an educator; she was a thug, calling for violence to suppress legitimate reporting. And how strange it is that the academic left was so quiet. When Donald Trump throws protesters or journalists out of his rallies, he gets (well deserved) scorn for it. After all, he is on the "other team." But, when someone like Click calls for violence against a journalist to stop him from reporting, we hear crickets from "my side" of the political divide.

A generation ago, a journalism professor would never have dreamed of doing such a thing. When I studied journalism, ironically at Click's alma mater, the journalism school was where the light of the First Amendment shined brightest. But, the winds of political correctness were blowing a chill across that campus, and many others.

Now, Click needs muscle, but that muscle is coming in the form of a lawyer -- a lawyer who will defend her rights, even though she sought to deprive others of their own.

I wish I could say: "It serves her right." She deserved strong repercussions, but a criminal prosecution takes it too far. While her actions were reprehensible for an educator, in the grand scheme of things, nobody is ever actually prosecuted for such trifles. Let's face it, how many videos can you find on YouTube of a cop or a security guard doing the same thing to a reporter? Unfortunately, Click's brand of "rights for me, but not for thee" is exactly what she is facing now.

The prosecution, like Click's behavior, is politically motivated. She isn't being prosecuted because of what she did, she's being prosecuted because of what she represents. Now we have one disproportionate response met with another. We have a situation where disrespect for basic liberties, once unleashed, is out of control.

The correct response to excess is not more excess. What Click did might be technically illegal, but it does not warrant this selective prosecution. Click should be marched off of campus and into the unemployment line, but not into a jail cell.

But perhaps this cautionary tale will remind the "social justice" crowd that calling in "muscle" or trying to shut down others' First Amendment rights in authoritarian ways is like calling in Beetlejuice. We should all remember to tread lightly on the rights of people we don't like, because we might want to use those rights ourselves.

the Atlantic
The Prosecution of Melissa Click

If the case of Melissa Click, an assistant professor of communication at the University of Missouri at Columbia, were a law professor’s hypothetical, it’d be a great one.

I could show my students the viral video of Click confronting the student journalist Mark Schierbecker during a protest on November 9. Schierbecker was videoing a confrontation between student protesters and a photographer from Mizzou’s student newspaper. The scene unfolded on the university’s quad—public property and what free-speech lawyers call a “public forum.” But Click confronted Schierbecker and told him, “You need to get out.”

Schierbecker responded that he had a right to be present and record images. Click raised her voice and said, “Hey, who wants to help me get this reporter out of here? I need some muscle over here.”

Here’s the exam question: Did Click “incite” violence under the Supreme Court’s famous Brandenburg rule that the government does not violate the First Amendment by punishing speech “directed to inciting or producing imminent lawless action and ... likely to incite or produce such action”? By urging listeners to “get this reporter out of here” with “muscle” (mercifully no one responded), was she intentionally tipping the situation toward violence? That’s not protected speech.

Here’s a second question: Assuming that violence was not intended or likely, did Click utter a “true threat,” another category of speech that the First Amendment doesn’t protect? A “true threat” doesn’t have to be a “real threat”—that is, the speaker need not intend to or be able to carry out the threat. It’s enough if the language is intended to convince others that the speaker intends to. Was she trying to scare Schierbecker into going away? That, too, would not be protected speech.

Both of these are close questions. At the very least, Click walked up to the line that separates free speech from verbal crime.

Here’s a third one. As shown on the video, Click also reached out and pushed or slapped Schierbecker’s video camera. When she did that, did she “knowingly cause physical contact with another person knowing the other person [would] regard the contact as offensive or provocative”? If so, she could be found guilty under Missouri law of “assault in the third degree.” Because the action did not risk injury or death to another person, it is a Class C misdemeanor, and could bring a sentence of up to 15 days in jail.

The third question would make a great criminal-law question, but it’s not hypothetical. On Monday, Columbia’s town prosecutor Stephen Richey charged Click with assault. On Tuesday, she pleaded not guilty.

Click is now globally infamous because of Schierbecker’s video. She has been attacked in media outlets ranging from the Daily Caller to The Washington Post. She has already resigned her
courtesy title as “assistant professor of journalism.” She is currently up for tenure in Mizzou’s communication department, and my academic nose suggests that she’s unlikely to get it. On Tuesday afternoon, the university’s Board of Curators was meeting to consider an unspecified “action item”—one that may take the decision out of the faculty’s hands. One hundred members of the Missouri legislature have signed a letter to university officials demanding that she be fired immediately. A petition entitled “Fire Professor Melissa Click” has attracted nearly 3,500 signatures on change.org. One Missouri lawmaker has even introduced a bill to require all Mizzou students to take a three-hour course in free speech.

In other words, things are pretty heated in Missouri. When the dialogue reaches the idea of government-prescribed mandatory ideological free-speech training, it may be a sign that we are not defining our terms as precisely as we should. And the rush to make a public sacrifice of Click ought to give everyone pause—not for her sake but for the sake of free speech itself.

One of the most famous dissents American constitutional law was written by Oliver Wendell Holmes, Jr. in a 1919 case called United States v. Abrams. The defendants in that case had printed leaflets denouncing U.S. intervention in Russia, and then thrown the papers from a high window. They were charged with conspiring to obstruct the U.S. war effort against Germany. The Court’s majority upheld the convictions, citing an earlier Holmes opinion, United States v. Schenck, in which he brushed aside First Amendment concerns with his famous aphorism, “[t]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.”

But the Abrams decision drew a dissent—from Oliver Wendell Holmes, Jr. The Schenck case, he said, had concerned a speaker who had intended to obstruct the war against Germany. The Abrams defendants were trying to obstruct the intervention in Russia—and the U.S. was not at war with Russia. So they hadn’t violated the statute.

Holmes admitted that argument might not be entirely convincing. So he added some famous lines: “Even if I am technically wrong, and enough can be squeezed from these poor and puny anonymities to turn the color of legal litmus paper,” he wrote—meaning that the violation of the statute, if it had occurred, was so minor (“a silly leaflet by an unknown man”) as to be almost undetectable—“the most nominal punishment seems to me all that possibly could be inflicted, unless the defendants are to be made to suffer not for what the indictment alleges, but for the creed that they avow.”

Is Melissa Click’s shove or slap enough to turn the color of legal litmus paper? That’s not an exam question any more; it’s for a court to decide. But prosecutors pick and choose cases, and I am sure not every poke or shove in Columbia gets taken to criminal court. Did the decision to charge her reflect the hue and cry against her throughout Missouri and much of the world? Will she get a fair trial and—if it comes to that—a just sentence in the current atmosphere?

Melissa Click is nobody’s martyr and she shouldn’t be made one. The First Amendment isn’t a charter to persecute those who offend against it; properly viewed, it protects people with deeply offensive beliefs and unbecoming conduct, people who don’t believe in or practice free speech—Nazis and Communists who seek to destroy freedom, religious extremists who disrupt funerals
and fairs, video makers who sell videos of animal cruelty, barroom fraudsters who claim to have military decorations. No matter how illiberal Click’s behavior, she doesn’t forfeit her free-speech rights. And in this context, those rights protect not her slap, or even her possibly proscribable speech, but her right not to be charged with a crime, or sentenced to jail, because of popular distaste for her point of view.

Last week, the university's administration appointed an Ad Hoc Joint Committee on Protests, Public Spaces, Free Speech and the Press to study the campus atmosphere and establish standards for the observance of free speech and freedom of the press. Discussion and study seem like a better way to vindicate free speech than police and handcuffs. The criminal-justice system is a very blunt instrument with which to vindicate freedom.

**ST. LOUIS POST-DISPATCH**

Editorial: Melissa Click protested for justice. Now she'll get it.

15 hours ago • By the Editorial Board

*Melissa Click always had a right to swing her figurative fist until a photographer’s nose, or camera, got in the way. Now the University of Missouri assistant professor is getting a well-deserved, hard lesson on legal limits and boundaries.*

Ms. Click badly miscalculated when she allegedly grabbed a student photographer’s camera and then called for “muscle” to physically remove him from the university campus area that protesters had occupied in November while campaigning for racial justice. Despite her public apology, she has been roundly condemned across the country for her actions and subjected to untold humiliations, including calls by state legislators for her to be fired.

The university is currently reviewing her application for tenure. The odds are clearly not in Ms. Click’s favor.

Now comes the question of criminal charges filed in Columbia municipal court Monday. Does this amount to piling on, or does Ms. Click need to experience a bit of judicial muscle to fully appreciate the gravity of her actions?

*There’s a growing* misperception across the country, whether it’s the Occupy movement or the gunmen who have seized a federal wildlife refuge in Oregon, that protest movements are a kind of law unto themselves. And the misunderstanding persists that protesters have a right to tell journalists or other citizens where they may and may not tread on public property.
So abhorrent are journalists that the Missouri Senate voted this month to ban reporters from the floor. The House already has such a ban. Ms. Click and the student protesters seem to share a belief with legislators that the presence of journalists documenting news events and conducting interviews is a bad thing. The difference between the Senate’s ban and Ms. Click’s, however, is one of legality.

The former has full authority to limit journalists’ access to the Senate floor, even if it is taxpayer-owned property. Ms. Click and the protesters had no authority to assert domain over the public space at Mizzou, regardless of the protesters’ desire to keep their encampment safe and reporter-free. She could shake her fist in anger at the cameras. But she crossed a very clear legal line by laying hands upon the photographer and calling for force against him.

Ms. Click, 45, serves on the communications faculty and at the time of the incident, had a courtesy appointment at the journalism school. A journalism and communications teacher who clearly doesn’t understand the First Amendment is a problem. An adult authority figure behaving like a naïve teenager and serving as the worst possible example for students to follow is another.

Remember that the protest itself was about equal justice — the concept that no one has a special status above the law. Ms. Click wanted justice enough to protest for it. And now is her chance to see exactly what that entails.

Demands for firing, support for student protesters mark Senate debate over Melissa Click

By Rudi Keller

Tuesday, January 26, 2016 at 8:28 am

JEFFERSON CITY — The University of Missouri is like a drug addict in need of an intervention, state Sen. Kurt Schaefer, R-Columbia, said Monday during an hour-long debate about the decision not to fire Assistant Professor Melissa Click in the wake of a municipal assault charge.

The state Senate had almost concluded its business for the day when Sen. Brian Munzlinger, R-Williamstown, and Schaefer began a discussion of whether it was appropriate for Click to remain employed at the university. Click became the target of letters signed by 99 House members and
18 senators for her role in pushing journalists away from a protest Nov. 9, captured in a video that went viral.

In response, several black senators said the effort to force the university to fire Click is being used as cover to discredit the protests that helped force out UM System President Tim Wolfe.

The charge against Click was filed Monday morning. Interim Columbia campus Chancellor Hank Foley said Monday afternoon that Click would remain employed while the university considers whether to grant her tenure as a faculty member.

“This is like having a relative that is self-destructive, and you know it is going to be really awkward and rough, and you are just not going to get that person in a better place until you get some people together and step in and make some hard decisions,” Schaefer said. “And it is going to hurt in the short term, but in the long term it strengthens that individual. Is that what we are going to have to have?”

Sen. Brian Munzlinger, R-Williamstown, cited university rules that require personal conduct of all employees to “be of such a nature as not to bring discredit upon the institution” and requiring the termination of violators.

“We’re the laughingstock of the country,” Munzlinger said.

Two black senators who visited the campus during the protests tried to explain the tension on campus and the goals of the Concerned Student 1950 demonstrators, who pushed Wolfe out because they thought he did not adequately address racism on campus. Sen. Kiki Curls, D-Kansas City, said meeting with students was a familiar experience.

“Those issues that they were wanting to address are things that have been happening for a long time,” Curls said. “They’re the same issues that were there when I attended and those who came before me. The issues have been there.”

Click’s charge stems from her actions when protesters attempted to exclude reporters from a portion of the protest site on Carnahan Quadrangle. She was caught on video confronting photographer Tim Tai, a journalism student working under contract, and Mark Schierbecker, a student videographer, and calling for “muscle” to help push them out.

Sen. Jamillah Nasheed, D-St. Louis, reminded Curls that on the second day of this year’s session, the Senate voted 28-4 to evict reporters from their traditional table on the floor for observing debates. Supporters of the resolution accused reporters of publishing overheard conversations on social media as the reason for moving reporters to the fourth-floor gallery.

The Senate acted like Click that day, Nasheed said. “She pushed the press out and we pushed the press out, and so what is the difference here?” she said.
Sen. Bob Dixon, R-Springfield, disputed the comparison. “Nobody up here said, ‘Let’s get some muscle,’” Dixon said. “Nobody said that. We had a discussion, and we voted. We did it decently and in order.”

The debate over Click is an attempt to gloss over racial problems in Missouri, Sen. Maria Chapelle-Nadal said. The protests in Ferguson and the demonstrations at MU generated white resentment, and Click is a scapegoat, she said.

“We are reminded as people of color every single day that we are not treated as 100 percent human being,” Chapelle-Nadal, D-University City, said. “And that is why we are still dealing with it every single day is that we are not being treated equally. This conversation about Professor Click is just a cover-up, for real, for saying we don’t like black people talking out loud.”

Speaking to reporters after the session, Senate President Pro Tem Ron Richard said the university will feel lawmakers’ displeasure during budget hearings.

“The legislature is frustrated with the actions of the University of Missouri, and it is getting worse,” Richard said. “And inaction is going to breed action by the legislature, and I don’t think they realize the magnitude of how much” lawmakers “dislike or distrust” the university’s actions.

Richard said he has no confidence in anyone at the university except Athletic Director Mack Rhoades. During the debate, Chapelle-Nadal challenged her colleagues to read the Concerned Student 1950 demands and use their power as legislators to get them implemented. He said he had not read them but was willing to meet with student representatives.

“I have no idea what those demands are, but I am open to anything,” Richard said.
JEFFERSON CITY — Missouri college students would need to take a class on freedom of speech in order to graduate under a bill a lawmaker says is in response to a confrontation between educators and student journalists during protests at the University of Missouri last year.

Republican Rep. Dean Dohrman, of La Monte, on Tuesday told a House panel that his proposal is a solution to the national attention the Columbia campus has received in response to a run-in between educators and reporters during protests over what some students said was indifference to racial issues on campus by administrators.

"We, and I include ourselves as elected officials, are failing in one of our most fundamental charges in passing on liberty to the next generation," Dohrman said.

Department of Communication assistant professor Melissa Click was charged with misdemeanor assault Monday after a run-in with a student photographer and a videographer in November.

Click called for "some muscle" to help remove the videographer, Mark Schierbecker, from the protest area on the Columbia campus. Schierbecker's video of the run-in went viral, and he complained to university police. The incident prompted criticism that she was inhibiting freedom of the press.

Click later said publicly that she regretted her actions, and that she apologized to Schierbecker and all journalists and the university community for detracting from the students' efforts to improve the Columbia campus' racial climate.

No one stood to speak for or against Dohrman's legislation, but a higher education leader disputed legislative estimates that the bill won't cost any money.

Paul Wagner, director of the Council on Public Higher Education in Missouri, said he isn't opposed to additional education on constitutional issues but said adding a new required course will mean expenses. He said more course requirements also will require students to spend more time and money to graduate.
"Please try to resist mandating courses like this," Wagner said.

The bill is one of several proposed in response to recent turmoil at the University of Missouri. The school fell under scrutiny again in the Legislature following the Monday charges against Click, which spurred Republican lawmakers to renew calls for action against her.

Democratic Sen. Maria Chappelle-Nadal, of University City, on the Senate floor Tuesday said the discussion on Click is distracting from what she said are issues of racism at the university. Chappelle-Nadal is running for U.S. Congress.

Dohrman's bill still needs to pass through two House committees before it can go to the full House for debate.

Melissa Click video becomes prime exhibit in hearing on free speech course requirement

By Rudi Keller

Tuesday, January 26, 2016 at 11:05 am

JEFFERSON CITY — The sponsor of a bill requiring students at state colleges and universities to pass a course in free speech on Tuesday used an infamous screen shot of Melissa Click ordering reporters away from a University of Missouri protest as his No. 1 exhibit to show why the bill is necessary.

Rep. Dean Dohrman, R-La Monte, said to the House Higher Education Committee that he was upset by events at MU that led to Click being charged with misdemeanor assault and calls for her and a staff employee to be fired.

“There it is — the most famous photograph in Missouri,” Dohrman said of the image with Click’s arm thrust in the air.
Dohrman’s bill would require each student to take a three-credit hour course on free speech that would include discussion of the First Amendment, what free inquiry means and “the history of speech suppression in the United States and in other countries.”

The committee also heard testimony on a bill requiring colleges and universities to offer a partial tuition refund when the instructor listed in the course catalog does not teach all the classes. The measure filed by Rep. Jason Chipman, R-Steelville, would provide a 25 percent refund if the instructor taught fewer than 75 percent of scheduled classes.

The committee did not vote on either bill.

At the beginning of the hearing on his bill, Dohrman played a video that captures Click calling for muscle to remove student journalists from a protest and a video from Yale University showing students yelling at a faculty member.

“They don’t really have a concept of the First Amendment,” Dohrman said. “I find the burning of the flag offensive and it is offensive to many Americans. But the Supreme Court said it is protected speech. Why? Because once you start putting parameters on it you start going down the slope.”

Some members of the committee were skeptical of Dohrman’s purpose. Rep. Tommie Pierson, D-St. Louis, said the campus protests were due, in part, to students feeling powerless. Lawmakers have rejected a bill to give the student representative on the Board of Curators a voting seat, he noted.

No one spoke against the bill but Paul Wagner, executive director of the Council on Public Higher Education, who said the estimate that it will cost nothing “is a joke” and “betrays a fundamental misunderstanding of what public higher education is.”

Wagner also cautioned lawmakers against mandating college courses because it will load student schedules with classes that do not contribute directly to their degree.

Wagner’s neutrality on the bill was questioned by House Speaker Pro Tem Denny Hoskins, R-Warrensburg. Hoskins alluded to the efforts at MU to create a zone where students were free of questioning by reporters.

“Do you agree with safe spaces?” Hoskins asked. “I can tell you right now you are not in a safe space.”

Wagner replied that campuses should be a place to for “free and open dialogue” and repeated that he wanted to question the bill’s estimated cost.
Missouri assistant professor Melissa Click pleads not guilty in assault case

An assistant professor at the University of Missouri has pleaded not guilty to a misdemeanor assault charge stemming from a campus run-in with student journalists during protests in November.

A spokeswoman for Columbia's city prosecutor says an attorney for Melissa Click entered the plea on Click's behalf Tuesday in municipal court. Click's arraignment was waived. Another court appearance is scheduled for Feb. 16.

The charge was filed Monday. Click had a confrontation with a student photographer and a student videographer on Nov. 9 during protests over what some saw as university leadership's indifference to racial issues. Click called for "some muscle" to help remove the videographer from the protest area on the Columbia campus.

The confrontation happened on the day the university system's president and the Columbia campus' chancellor resigned.

Attorney: Melissa Click to plead not guilty to misdemeanor assault charge
A University of Missouri assistant professor charged with misdemeanor assault will not appear at a scheduled court date Tuesday afternoon, but her attorney said he will file a written plea of not guilty on her behalf.

Christopher Slusher, Melissa Click’s lawyer, said she will waive formal arraignment on the charge, a Class C misdemeanor punishable by as much as 15 days in jail and a $300 fine upon conviction.

It’s “a standard thing to do,” he said. “We don’t have to appear.”

Slusher said he plans to file a motion for discovery to obtain MU police reports on the incident before Click’s next court date, which he expects to happen in a couple of weeks. Slusher declined further comment on the case.

Columbia City Prosecutor Steve Richey on Monday charged Click, 45, for a confrontation with student journalists on Nov. 9 at Carnahan Quadrangle during demonstrations after former UM System President Tim Wolfe resigned amid protests over race issues at MU.

MU officials on Monday said Click, an assistant professor in the Department of Communication, will keep her job while she goes through the tenure process.

Click is about halfway through that process, which typically takes about a year. Interim MU Chancellor Hank Foley said professors who are granted tenure generally stay at the university and that those who are denied tenure usually have about a year to leave the university and find a new job.

Footage of Click’s confrontation with Mark Schierbecker, a student videographer, and Tim Tai, an MU student and photojournalist, during the demonstration went viral. Click can be heard on video ordering Schierbecker and Tai to leave the area and saying, “Who wants to help me get this reporter out of here? I need some muscle over here!”

During a news conference Monday, Foley apologized to Tai and Schierbecker on behalf of the university. Click issued a formal apology a few days after the student demonstration. Foley said Click is “aggrieved” by the situation.

“I think she had a moment of heated anger,” Foley said. “I doubt very much she would do anything like that again.”

According to the MU Police Department warrant request filed with Richey’s office Nov. 25, Click assaulted Schierbecker by grabbing his camera and trying to knock it out of his hand. She allegedly caused Schierbecker “to fear he was in danger of immediate physical injury.”
Click will work from home the rest of this week, and MU Provost Garnett Stokes said she and Click’s department chair and dean will decide whether Click will continue to teach while the assault charge goes through the court.

“Until these charges are sorted out, we need to look at those kinds of questions carefully,” Foley said. “We’re confident that she does not, of course, present any danger to anyone, but we will protect the learning environment for our students.”

Schierbecker told The Associated Press he was disheartened by Foley’s comments.

“I’m all for due process, but it just seems like a broken system if an untenured professor can’t be fired for basic open-and-shut cases like this,” he said.

More than 100 Republican state lawmakers have called for MU to fire Click. In response, more than 100 faculty members released a letter in support of Click. UM Curator David Steelman also has said Click should be fired, telling The Associated Press he was not satisfied with a letter of admonishment placed in her employment file over the matter.

“I’m willing to listen to the possibility of other job actions involving her as long as they’re serious,” Steelman told The Associated Press. “The whole situation surrounding this has been stonewalling and an attempt to run out the clock by the university” in hopes it fades from the limelight.”

Foley said MU has strong processes to review faculty members, which he plans to follow. Deviating from set protocol can lead to turmoil, Foley said.

“When chancellors start to make decisions capriciously or apparently capriciously without the consent of the faculty, then what you find is you very quickly decay into turmoil,” Foley said.

The assault charge will be factored into Click’s tenure decision, Foley said, as well as her scholarship and teaching quality. MU will follow the case through the courts, Foley said.

The university has until Aug. 1 to notify anyone who applied for promotion and tenure this year of its decision.

Requests for tenure are reviewed by department members, administrators and top university officials. The chancellor makes the final decision.

Foley and the MU Faculty Council recently formed a task force that will examine what happened during student demonstrations on Nov. 9 and determine whether further action should be taken, Foley said.

Foley said the 13-member task force’s work will take a few months.
No comment from two MU Journalism Professors who support Click

Two Journalism Professors at the University of Missouri are documented supporters of Assistant Professor Melissa Click, even after assault charges were brought against Click on Monday.

Associate Professors in the Journalism School, Dr. Cristina Mislán and Dr. Cynthia Frisby, signed a letter of support in December along with more than 100 members of MU’s faculty.

The letter said, in part, "We are writing in support of our colleague Melissa Click, who is currently under fire..."

In the letter, the undersigned faculty members criticize outside groups, specifically the press, for wronging Click in the media.

"Much of the commentary in the press and on social media has gone beyond legitimate debate to ad hominem attacks on, and harassment of, Click personally, and has even included calls for her dismissal from the University," the statement continues, "In many cases, we believe, this commentary has been driven by outside groups with agendas external to that of the University."

The faculty letter also called for the University to defend Click's First Amendment "rights of protest."

After repeated phone calls and online messages throughout the day Tuesday, Frisby and Mislán refused to talk about whether they continue to support Click since assault charges have been brought against her.

Click came under fire after a video surfaced during protests on MU's campus in November showing her shouting at Mark Schierbecker, an MU student journalist covering the protest, calling for "muscle" to help remove him from the protest site on the Carnahan Quad.
The Dean of the MU Journalism School, David Kurpius, quickly distanced the School of Journalism from Professor Melissa Click after many national outlets incorrectly reported that she was a professor in the Journalism School.

Promptly after the video surfaced, the Journalism School stripped Click of the "courtesy appointment" they had given her.

Columbia Assistant City Counselor Stephen Richey filed a 3rd degree assault charge on Monday against Click, to which she since pleaded "not guilty" on Tuesday.

MISSOURIAN

MU's Foley to deliver 'State of the University' on Wednesday

SAVANNA HEINEY, 11 hrs ago

COLUMBIA — **MU Interim Chancellor Hank Foley will deliver a "State of the University" address at 1:30 p.m. Wednesday in Stotler Lounge, Memorial Union North.**

MU plans to live stream the event in the food court on the first floor of the MU Student Center.

The address will also be live streamed and recorded at the following link:

http://livetsream.com/accounts/13547932/events/4684352

Michael Middleton, interim president of the University of Missouri System, will provide opening remarks and introductions.

Foley was named interim chancellor in November after R. Bowen Loftin stepped down. Foley had been the senior vice chancellor for research and graduate student studies before the appointment.
Board of Curators calls special meeting Jan. 27

The executive session will address personnel matters.

By Claire Mitzel

The UM System Board of Curators will meet at 3:30 p.m. Wednesday, Jan. 27 in University Hall for a special meeting, according to a public notice released on Jan. 25.

The public session will not be live streamed or tweeted. Upon conclusion of the public session, the board will then go into an executive session that will be closed to the public.

According to the board’s meeting agenda, the executive session will discuss matters regarding “consideration of certain confidential or privileged communications with university counsel, negotiated contracts and personnel matters.”

Campus sexual assault study finds 21 percent of female undergraduates have been victims

The study looks at nine college campuses

Results are similar to results of a larger study released earlier this year

BY MARÁ ROSE WILLIAMS

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Campus climate surveys reveal that sexual assault and rape on some college campuses continue at a high rate.

The Chronicle of Higher Education reported this week that a new study by the Bureau of Justice Statistics, U.S. Department of Justice including students on
nine campuses, found that 21 percent of female undergraduates reported having been sexually assaulted since starting college.

On one campus, that proportion was as high as 38 percent.

The report was prepared using federal funds provided by the Bureau of Justice Statistics, U.S. Department of Justice, and conducted in consort with the firm RTI International.

The survey, which grew out of work done by a White House task force formed in 2014 on sexual assault, also found that about 10 percent of female undergraduates reported being sexually assaulted during the 2014-15 academic year and 4 percent said they were raped during the same period. The Chronicle reported that the rates of sexual assault of female undergraduates during that school year ranged from 4 to 20 percent.

Results of this latest study mirrors in some areas the results of a much larger study by Association of American Universities, done on college campuses and released earlier this year to say that more than 20 percent of female undergraduates at an array of prominent universities report having been victims of sexual assault and misconduct.

In the last few years colleges and universities in Missouri and Kansas have said they have seen the number of sexual assault cases on their campuses increase. Schools such as University of Kansas and University of Missouri attribute the increase to improved policies on sexual assault and education among students on where and how to report sexual violence. Changes on how campuses handle sexual assault has been in the national spotlight since a New York Times report in 2011 that 1 in 5 women experience sexual assault while in college.
University of Missouri quarterback Maty Mauk has been suspended for the third time in four months after a video emerged purporting to show him snorting a line of white powder, school officials said Tuesday.

A video posted online by the “Total Frat Move” website late Monday showed a male purportedly using cocaine and called out Mauk by name. There was no immediate comment from the player and no confirmation from the college that the video did show the quarterback.

Mizzou’s Athletic Director Mack Rhoades and Coach Barry Odom said they were “gathering information” regarding the video but Mauk has been “indefinitely suspended” from the football program in the interim.

“This is an issue we take very seriously and one that will not be tolerated within our program,” the coaches said in a joint statement. “We will take appropriate action once we have all the facts.”

News of Mauk’s suspension was first reported by the St. Louis Post-Dispatch.

Mauk, a junior Ohio native, started in all four games he played last year but his 2015 season was marred by disciplinary issues.

He was suspended in late September for undisclosed reasons.

Days after he was reinstated, Mauk was suspended again in early November for the rest of the season. Then-Coach Gary Pinkel declined to detail the reasons, saying his players were like his kids, or family, and “we protect our family.”
His father and teammates say it's an old video

Mauk now has been suspended three times in four months, but is this a new transgression or just new to the public?

BY VAHE GREGORIAN
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Maty Mauk has been an enigma as the University of Missouri quarterback, a role he has dramatized with equal parts brilliance and inexplicable lapses.

He can exasperate with what looks like reckless obliviousness in one moment. He can exhilarate with seemingly calculated bravado in the next.

Or as we put it after his typically contradictory performance in MU’s 33-17 win over Minnesota in the 2015 Citrus Bowl: Mauk “tends to create his own dramas and dilemmas.”

Who knew there potentially were parallel off-field implications to that?

Now there is this 9-second video circulating of someone who looks like Mauk and appears to be snorting something that seems to be cocaine.

As MU investigates the video in question, Mauk has been suspended for the third time in four months and only weeks after he’d been reinstated by new coach Barry Odom — whose grace period already is being interrupted by trials.

This sort of thing may or may not have any relationship to Mauk’s erratic judgment on the field.

But it can’t help but make you wonder about the connection, especially since The Star’s Tod Palmer confirmed through multiple sources that Mauk’s first suspension was for a failed drug test.

Although no one has directly confirmed that it’s Mauk in the video, none of those defending him is saying it’s not ... just that the video is old.

That’s what Mauk’s father, Mike, told Palmer, and it was reiterated on receiver Keyon Dilosa’s Twitter account: “That video is from 2 years ago. Everyone has
made a mistake before, somebody just felt like it’d be cool to ruin his life. ...
He’s been clean.”

The point was made more emphatically by Mizzou linebacker Michael Scherer via Twitter. The video, he wrote, is “very old,” and Mauk “has been doing everything he can to be a better person and ... you should look at yourself in the mirror before pointing out someone else’s problems. No one is perfect. Everyone makes mistakes.”

Too true.

So let’s hope for the sake of Mauk, who also has been contending with his father’s cancer treatment, that it is an outdated video.

Let’s hope that since then, and since the initial suspension, he has gotten vital help for any demons he might be grappling with.

Snide remarks aside, notwithstanding concerns about what his status means to a football program at a crossroads, there is exactly one priority here: efforts to ensure that Mauk is healthy and, if not, given every tool and means to get appropriate help.

Moreover, if the video is from before his first suspension, MU is duty-bound to consider that carefully in how it treats Mauk now: Essentially, he already has been punished for earlier transgressions.

So unless Mizzou learns otherwise, or that there was more to what it thought then, the only reason to further discipline him is simply yielding to pressure and embarrassment about a matter it already had ruled on.

That doesn’t mean that couldn’t be valid, but if Mauk hasn’t been implicated in any known drug issues since then, the purpose and reasoning to do it would be more about image than substance.

That premise assumes, of course, that the previous process was handled fairly and with all due diligence, something there is no way to know.

Still, there are other questions that come with this for MU football, for which Mauk was 17-5 as a starter and stands fourth in career touchdown passes with 42.

If the video is indeed of Mauk and is, in fact, old and well-known to players, then teammates evidently bore witness to it.
It’s widely believed that at least one player finally did speak up to coaches in 2015, but even if that’s true it’s not clear how long he knew without going forward.

So there is a useful lesson in this for us all about the consequences of staying mum when someone is engaged in behavior that might be destructive to themselves or those affected by them.

What might have been seen as a betrayal of Mauk was, in fact, a disservice both to him and the team: Their leader eventually was suspended for failing a drug test that dominoed into missing most of a season — and now he has this shadow cast over him anyway.

Much less important but still of significance were the unintended consequences of not promptly seeking a way to get Mauk help:

Did drug use have an impact on his play?

Did knowledge of it among players splinter a team as it spiraled to 5-7 after going 23-5 the previous two seasons with back-to-back SEC divisional titles?

Other obvious questions surface and linger here:

Is there more to this story yet to come?

What did then-coach Gary Pinkel and his staff — and now Odom — know, when did they know it, and how did they approach it?

Because of privacy laws, of course, they were limited in what they could say about Mauk then.

And that’s probably why Odom has been vague when he has spoken of what Mauk had to do to gain reinstatement.

But without explicit comment on their approach or knowledge, there is a gnawing void in the storyline.

Meanwhile, old or new video and whatever else might be looming here, Odom has a quandary on his hands with Mauk’s indefinite suspension and the various messages keeping him or cutting him loose would send as he tries to set a tone for a new program.
Consider, too, that only last week Odom suspended indefinitely defensive tackle Terry Beckner Jr. a day after Beckner’s arrest and citation for misdemeanor marijuana possession. Odom is being tested before he even coaches his first spring practice.

Dramas and dilemmas, as it happens, that will say something early about Odom’s ability to solve problems and what he wants the program to stand for.

Teammates defend Mauk after video leads to suspension

7 hours ago • By Dave Matter

COLUMBIA, MO. • With Missouri quarterback Maty Mauk suspended for the third time in four months, teammates came to his defense Tuesday, the day after a video emerged showing Mauk appear to snort a line of white powder, prompting Mizzou to suspend the former starter indefinitely.

The nine-second video, posted Monday on Twitter, was taken two years ago and the quarterback has since addressed his drug problem, a Mizzou teammate told the Post-Dispatch. The player asked that he not be identified discussing a sensitive matter.

Mauk’s initial suspension last September was related to a failed drug test, multiple sources confirmed. The team suspected he’d been using drugs and administered the test, leading to his suspension announced Sept. 29.

According to the Mizzou student-athlete handbook, the penalty for a first positive drug test does not include a suspension, but the athlete might be required to participate in a substance abuse treatment program and is subject to unannounced drug tests for one year. A second positive drug test carries a minimum seven-day suspension from games and practices and mandatory participation in a treatment program.

Starting Sept. 29, Mauk, 17-5 as a starter at MU since 2013, was suspended for four weeks. Former coach Gary Pinkel reinstated Mauk on Oct. 25, but six days later Mauk, 22, was suspended for the rest of the season after he was spotted having a dispute outside a downtown Columbia bar on Oct. 28, the same day he apologized to his teammates during a team meeting. Mauk has not spoken publicly since the first suspension was announced.
After he was hired to replace Pinkel, Mizzou coach Barry Odom reinstated Mauk in December and cleared him to rejoin team activities. When he met with reporters at the Post-Dispatch on Dec. 23, Odom said he expected Mauk to compete with Drew Lock for the starting quarterback job when spring practices begin.

“He’s on our team now, and just like every other player he’s going to have very strict guidelines on what they can and can’t do,” Odom said.

Mauk’s teammate told the Post-Dispatch the quarterback has “been really turning things around” since the end of the season and “has been clean for a while.” The actions depicted in the video were related to what got Mauk suspended initially, the teammate said. When Mauk returned to Columbia from the holiday break, the teammate said “he looked great and was really turning his life around.”

Shortly after the video went viral Monday night, Mizzou athletics director Mack Rhoades and Odom announced in a joint statement that Mauk was suspended indefinitely.

The statement read: “We are currently gathering information regarding the video in question. This is an issue we take very seriously and one that will not be tolerated within our program. We will take the appropriate actions once we have all the facts. In the interim, Maty Mauk has been indefinitely suspended for the Mizzou football program.”

Missouri did not update Mauk’s status on Tuesday.

The video was posted on Twitter showing a male who clearly resembles Mauk bent over a line of white powder. The person appears to snort the line but leaves most of it on the table. He stands up, rubs his nose, screams and smiles at the camera as the video ends. Mauk’s hair in the video is much longer than his current haircut. It’s unclear who created the account that posted the video, @Ray56King, a parody account of former Cardinals relief pitcher Ray King. The tweet included the message, “Matty Mauk missing the line, just like he misses his receivers.

On Tuesday, several teammates backed the quarterback on Twitter.

“I’ve known @M_MAUK_7 for a year, and he’s been better than ever. Mistakes were made, but solutions have been found,” tweeted offensive lineman Malik Cuellar, who was suspended for a week last season the same time as Mauk. “It’s not my choice but I feel his life is being destroyed by a past event and if we were to punish him we might as well punish everyone who’s ever made any mistake.”

“Maty made a mistake and everyone has made mistakes in their lives,” wide receiver Keyon Dilosa tweeted. “He’s still growing just like each of us on this team and on this campus. ... Maty learned his lesson and has been clean for a while now. Being a collegiate football player means that you are in the public eye always, people want you to be the bad guy and it just so happened that someone had
that video from years ago and could release it at any moment and potentially ruin one of my family members' lives.”

**BenFred: If clean, Mauk should come clean**

*7 hours ago • By Ben Frederickson*

*We’ve heard from his teammates. They say the video of Maty Mauk snorting what appears to be cocaine is dated, that the Mizzou quarterback has since shaped up.*

*We’ve heard from Mizzou athletics director Mack Rhoades and football coach Barry Odom. They suspended the former starter late Monday night — his third indefinite suspension in four months, started a fact-finding mission and issued a stern statement that said such issues will not be tolerated.*

We’ve heard from Mike Mauk. Maty’s father, who is undergoing treatment for colorectal cancer, told the Columbia Missourian that his son has “absolutely” been clean since he rejoined the team in December.

Yet the last thing we’ve heard from the 22-year-old in question is the shout he let loose after a camera captured him taking a whiff of the white stuff.

If Maty Mauk has any hope of repairing his public image, this isn’t going to work.

Some spent Tuesday calling for Mauk’s dismissal. The embarrassing nine-second video isn’t the only case for severing ties. The bizarre scooter crash in 2012. The failed drug test that resulted in a four-week suspension in September. The subsequent, season-ending suspension that came after a confrontation outside a popular CoMo bar, a shocker since it occurred just four days after Mauk was reinstated from his failed drug test, and mere hours after he apologized to his teammates.

But here’s the thing. Odom did not cut ties with Mauk in December, when he replaced retired Tigers coach Gary Pinkel. Odom instead decided to wipe clean the quarterback’s slate, perhaps because he envisioned Mauk returning to a prominent role on the field, perhaps because he didn’t want to kick a player to the curb. Probably more of the former than the latter. It could cost Odom now.

“He’s on our team now, and just like every other player he’s going to have very strict guidelines on what they can and can’t do,” Odom told the Post-Dispatch on Dec. 23. “The quarterback position is different than any position on the team and different than any position in sports. Those guys are
going to be held very, very accountable for everything they do. They’re a representative of me and our football program and university.”

If Odom didn’t know something like this video was within the realm of possibility, then he didn’t do a very good job vetting Mauk before welcoming him back. Giving Mauk another shot sure seems like a mistake right now. Reversing that decision because a person hiding behind an anonymous Twitter account made the video public would be another regrettable move. A coach’s word should mean something, after all.

With the Feb. 3 national signing day fast approaching, Odom is looking at his toughest test yet. He can backtrack and take a stiffer stance, or stick by Mauk and take the heat.

Recruits and their parents will have questions about either approach, although question No. 1 should be: How could a player the program used to plaster on billboards across the state end up in a video like that?

And we thought Odom’s handling of star defensive lineman Terry Beckner Jr.’s recent marijuana arrest would be a hurdle.

Here’s an idea:

Mauk could do something to help the people who have risked looking foolish on his behalf.

The Mauk we know has fallen, from the star who helped Mizzou win SEC East titles in 2013 and 2014, to Drew Lock’s backup, to a liability for Mizzou, an institution that needs more bad publicity as much as it needs more Melissa Clicks.

The former face of Tigers football, and therefore the former face of Mizzou, has turned into a less-talented Johnny Manziel. If the kerfuffle at Field House was Mauk’s version of Manziel’s inflatable swan, this video is akin to Johnny Football’s wig-and-mustache disguise in Las Vegas.

The Mauk we don’t know, according to the people who are talking, is a young man who is trying to tackle some serious stuff. Substance abuse issues aren’t funny, and they aren’t fixed for good between a failed drug test in September and now. They are never fixed for good. That’s what makes them so hard to pin down. The opponent never quits.

If this is the battle Mauk is fighting, we should root for him.

But we need to hear that from him.

No more hiding behind Mizzou officials who are bound by student privacy laws. No more letting his father and teammates speak on his behalf. Mauk, who has not talked publicly since he was first suspended on Sept. 29, needs to speak for himself. He needs to answer some tough questions.
On Tuesday, Mauk retweeted teammates who offered their support. One was Tigers linebacker Michael Scherer, who wrote “the video is very old” and “Maty has been doing everything he can to be a better person.”

Hopefully, this is the truth. But if the much-maligned quarterback is serious about staying clean, he should come clean.

Only then could this video be viewed in a different light.

MU students and athletes caught with illegal drugs could face several consequences


COLUMBIA, Mo. - A video that allegedly shows an individual resembling University of Missouri quarterback Maty Mauk snorting a white substance off a table and has caused his indefinite suspension from the football team has ABC17 News looking into the consequences an MU student and athlete could face if caught with illegal drugs.

According to the student athlete handbook, if an athlete divulges the infraction voluntarily and seeks help after a first offense, no punitive action would be taken.

But if it continues, the player could be suspended at a minimum of seven days as the department discusses possible disciplinary action.

A student who is charged with a felony is immediately suspended.

ABC17 News checked with the Columbia Police Department and was told it is not currently investigating Mauk, who has been suspended indefinitely.

An MU student can also face expulsion from the university after disciplinary measures have been taken as well, including but not limited to a conduct hearing or an appeal process.

The athletic department has not released many official details on the suspension or the video, so there are still many pieces missing from the puzzle.
ABC17 News will keep reaching out to some of those officials to determine if Mauk could face more punishment and how that will look.

This is the third suspension for Mauk since the beginning of the 2015-2016 school year.

THE KANSAS CITY STAR.

JANUARY 26, 2016 2:23 PM

EDITORIAL: When facts are known, accusations against Planned Parenthood fall apart

Probe begun as attack on Planned Parenthood results in indictments of accusers

Grand jury decision reinforces the value of an independent legal process

It's time for politicians to cease with incendiary language, actions

*The Editorial Board*

Unlike a legion of politicians, a grand jury in Texas was compelled to rely on factual information as it considered whether Planned Parenthood had broken laws prohibiting making a profit from the sale of fetal tissue and fetal organs.

Planned Parenthood did nothing wrong, the jurors decided. But they indicted two persons involved in the production of deceptive videos that set off a wave of fury against the women’s health provider.

David R. Daleiden, 27, the director of the anti-abortion group Center for Medical Progress, and an employee, Sandra S. Merritt, 62, face felony charges of tampering with a governmental record. They are accused of making and presenting fake California driver’s licenses. Daleiden also faces a misdemeanor charge related to purchasing human organs.
Texas Lt. Gov. Dan Patrick had ordered the grand jury probe, seeking charges against Planned Parenthood after Daleiden’s group released doctored undercover video shot inside a Houston Planned Parenthood clinic.

The panel’s refusal to be swayed by emotion or politics is a reminder that an independent judicial process is one of our nation’s greatest assets.

That’s especially true in a time when too many politicians are willing to abandon restraint and fairness.

Daleiden’s videos, which purported to show Planned Parenthood employees engaged in the illegal sale of fetal tissue and body parts, have touched off multiple investigations. Republicans in the U.S. Congress and many state leaders have used them to demand that the women’s health provider be stripped of government funds, including reimbursement for care to Medicaid patients.

Investigations have found no evidence of wrongdoing by Planned Parenthood in at least 11 states, including Missouri and Kansas. But that hasn’t stopped the incendiary speech and actions.

Two weeks ago, Kansas Gov. Sam Brownback declared in his State of the State speech that “Planned Parenthood’s trafficking of baby body parts is antithetical to our belief in human dignity.”

In Missouri, pressure from a politically motivated legislative investigation caused University of Missouri officials to revoke hospital privileges for a doctor who performed non-surgical abortions at Planned Parenthood’s Columbia clinic. Senate officials are threatening to hold two persons in contempt for refusing to testify at hearings.

Debunked accusations that Planned Parenthood harvests baby parts for sale continue to ring in both state Capitols. The officials repeating that fallacy are acting irresponsibly. A gunman who admitted killing three people at a Colorado Planned Parenthood clinic in November reportedly explained his actions to police by saying “No more baby parts.”

In response to the charges, Daleiden issued a statement saying his group follows all applicable laws and “uses the same undercover techniques as investigative journalists.”
Not true. The age of the Internet has stretched the definition of who exactly is a journalist. But credible news organizations rarely use undercover techniques. A long campaign of false pretenses, deceptive editing and other shady tactics used by Daleiden to deliberately mislead the public are out of bounds for reputable journalists.

So is breaking the law, if that’s what happened.

**THE CHRONICLE OF HIGHER EDUCATION**

**U.S. Colleges Raise $40 Billion; Stanford Tops List at $1.6 Billion**

*No MU Mention*

By Rebecca Koenig

U. S. colleges raised $40.3 billion in 2015, an increase of 7.6 percent over the previous year, a new study has found.

The Voluntary Support of Education survey, conducted by the Council for Aid to Education, collected fund-raising information from nearly 1,000 colleges and universities. The $40.3 billion figure is an estimate that extrapolates from the survey results to include amounts for institutions that did not respond.

The Council for Aid to Education has been conducting the survey since 1957.

Nearly 29 percent of all money raised in 2015 — $11.56 billion — went to just 20 colleges. Stanford University raised the most, $1.63 billion. Strong support for Stanford’s medical center plus a major art donation helped it secure the top spot, said Martin Shell, the university’s vice president for development. Stanford has led the pack for 10 out of the last 11 years.

Stanford was followed by Harvard University, which raised $1.05 billion, and the University of Southern California, at $653.03 million.

The University of California at San Francisco and Cornell University rounded out the top five, raising $608.58 million and $590.64 million, respectively. UCSF jumped in the rankings from 12th in 2014 to fourth in 2015 thanks to one of the largest gifts made by an individual donor last year: a $177-million grant from Charles F. Feeney’s Atlantic Philanthropies to establish the Global Brain Health Institute, which will be run in partnership with Trinity College in Dublin, Ireland.
Concentrated Wealth

The data is likely to fuel a growing chorus of criticism about wealthy donors pouring cash into elite universities that already enjoy enormous endowments, rather than spreading their giving to more needy institutions. The proportion of donations going to the top fund-raising colleges has slowly increased over the past decade, said Ann E. Kaplan, survey director for CAE. She attributes that trend to the fact that those colleges have an array of prestigious programs that attract donors.

"If you've got an institution that has a hospital, art museum, symphony orchestra, and research labs, then obviously there are more areas that would appeal to different types of interests on the part of philanthropists," she said.

Donors also are drawn to institutions that seem to be good stewards of their assets, Ms. Kaplan said. They look to donate stock to a university with a high-performing endowment, for example, and art to a college with a prominent museum.

The promise of significant exposure for their art collection led Harry W. and Mary Margaret Anderson and their daughter, Mary Patricia Anderson Pence, to donate 121 paintings and sculptures to Stanford, Mr. Shell said: "They wanted to put it in a place where it could be seen by the world."

Colleges and universities continue to be preferred charities for big donors. Many of the multimillion-dollar gifts made and pledged in 2015 benefited higher-education institutions, according to a year-end analysis conducted by The Chronicle of Philanthropy. Among them was a $400-million pledge by hedge-fund titan John Paulson and his wife, Jenny, to Harvard University.

U.S. universities attract significant private support in part because donors appreciate their efforts to tackle major global challenges, Mr. Shell said.

$100-Million Club

According to the survey, philanthropists made eight donations worth at least $100 million each, totaling $1.44 billion, to four colleges in 2015. These included the Andersons' gift of art to Stanford, which was first announced in 2014, and a gift of rare books to Princeton University by alumnus William H. Scheide, an oil heir.

Giving by individual alumni increased by 10.2 percent and, at $10.85 billion, accounted for 26.9 percent of the total amount raised. Giving by people who did not graduate from the colleges to which they donated increased by 23.1 percent. Corporate giving stayed steady, while gifts from family foundations increased 3.6 percent.

Although contributions made for current college operations increased 13.1 percent, donations for capital purposes, such as endowments and campus buildings, didn’t change. The council attributes the lack of growth to the relatively weak stock-market performance in 2015 and also to the fact that gifts for capital purposes increased by 23.3 percent the previous year, setting a high bar for 2015.

Total endowment values among survey respondents increased only 3 percent in 2015, compared to 15 percent in 2014.
College Endowments Report Lowest Return Rate in 3 Years

Colleges’ endowments returned an average of 2.4 percent in the 2015 fiscal year, the lowest annual rate reported by the annual Nacubo-Commonfund Study of Endowments since 2012, when endowments reported a -0.3 percent return. And it’s a significant drop from 2014, when the average rate of return was 15.5 percent.

Reporting the largest endowment values for 2015 were familiar heavy hitters — Harvard University, Yale University, and the University of Texas system took the top three spots.

The annual survey also calculates return rates at three-year, five-year, and 10-year intervals. The 10-year rate declined to from 7.1 percent in 2014 to 6.3 percent last year. The study notes that rate of return lags below what endowment managers consider the 10-year rate needed to offset inflation and costs — 7.5 percent.

Endowments Fall to Earth
After two years of sizable gains, college investment returns grow by just 2.4 percent in the 2015 fiscal year.

January 27, 2016

By Ellen Wexler

After two years of healthy growth, colleges' endowment investment return rates fell in 2015. While they didn't come close to the declines of some years in the past decade, the average rate is the lowest reported since 2012.
On average, colleges had 2.4 percent returns for the 2015 fiscal year, according to an annual survey by Commonfund and the National Association of College and University Business Officers. The survey includes data from 812 U.S. colleges and universities. That’s considerably lower than the past two years, when returns hit the double digits. But the rate is higher than 2012’s drop of 0.3 percent.

That kind of inconsistency isn’t abnormal, and it’s important to note how much average returns change over time. Looking back over the last decade, they go up and down every couple of years.

*Data: 2015 NACUBO-Common fund Study of Endowments*

“The main point here is to illustrate the volatility of the age in which we live,” said William Jarvis, executive director of the Commonfund Institute. “If you were to even go back farther to the 2000, 2001 period -- which some of us remember -- it would be the same jaggedy path.”

The causes of this year’s lower returns aren’t a mystery, he added: the challenging market environment, the economic slowdown in China and the decrease in the price of oil all contributed to the decline.

Returns generally correlated with endowment size -- the wealthier the institution, the larger the returns. Colleges with endowments over $1 billion reported average returns of 4.3 percent, while colleges with endowments between $25 million and $50 million reported average returns of 1.9 percent. The only exception was the smallest category -- colleges with endowments under $25 million -- which reported average returns of 2.3 percent.

This year’s decrease also caused the 10-year average to dip to 6.3 percent. That’s compared with 7.1 percent last year, and is below the 7.5 percent that many endowments need to maintain their purchasing power.

“Not being able to meet that long-term target may very well make it harder for schools to increase endowment spending,” said John Walda, NACUBO’s president and CEO. While state support for higher education is slowly going back up, he said, it’s still much lower now on average than it was before the recession. Institutions have been using their
endowments to make up for those losses -- and without being able to hit their target 10-year average, colleges may find that harder to do.

But despite the low returns, most colleges -- 78 percent -- reported increased spending dollars from their endowments in 2015. That’s even slightly more than last year, when investment returns were considerably higher.

On average, colleges reported an increase in spending of 8.8 percent in 2015, a number well above inflation, Walda said. "That is a significant addition to the funds which were available to these institutions to support programs for students."

How the money is used has a lot to do with the intent of the donors, Walda said. Because so many donors want to support students specifically, it’s likely that a great deal of this year’s spending went toward scholarships and financial aid.

But it may be harder for schools to raise their spending going forward, he added. And with the other fiscal challenges institutions are facing at the same time, such as declining enrollments and the pressure to cut tuition, that could pose a problem. “Even this year, with endowment returns as low as they are, we can increase spending,” he said. “But you have to ask, how long can that continue?”

The average endowment is $651.5 million, but that number doesn’t reflect the average institution. Instead, it shows how dramatically the wealthiest institutions can change the average. The median endowment size is actually around $115 million.

Looking at colleges individually, not much has changed. There was some internal movement within the top 10 -- but over all, the same 10 institutions appeared. Harvard University tops the list again this year, with an endowment of $36.45 billion. While Yale University came in third last year, it moved up to second with an endowment totaling $25.57 billion.

On average, colleges relied on their endowments to fund 9.7 percent of their operating budgets in 2015, compared to 9.2 percent in 2014. But that number depends a lot on the college. Institutions with the most assets used their endowments to fund 16.5 percent of their budgets, while institutions with the least amount of assets used their endowments to fund just 4.7 percent of their budgets.