AAUP Accuses U. of Missouri System of Violating Melissa Click’s Rights

The University of Missouri system’s Board of Curators violated the due-process rights of Melissa A. Click in firing her over her conduct during last fall’s student protests on the Columbia campus, the American Association of University Professors concludes in a report released on Thursday.

The report, by an AAUP investigative panel, says the board violated basic principles of academic due process by firing Ms. Click without a faculty hearing after she was videotaped aggressively confronting a student journalist and calling for "muscle" to have him removed from the campus quad, where protesters had gathered to speak out against the university’s racial climate.

The board also violated the rights of Ms. Click, who had been an assistant professor of communication, by cutting off her pay immediately after her dismissal, rather than giving her at least one year’s salary or notice, the report says.

The Missouri board on Wednesday issued a point-by-point rebuttal of the AAUP report’s findings. In an accompanying statement, Pamela Q. Henrickson, the board’s chairwoman, said it stands behind its actions regarding Ms. Click, "which were in the best interests of the university."

Ms. Henrickson said the AAUP’s report "disregards the seriousness of her misconduct and reaches inconsistent and unsupported conclusions." She argued that the board had "provided Dr. Click due process throughout the review," including "multiple opportunities to respond on her own behalf" and to suggest favorable witnesses for interviews.
‘A Dangerous Precedent’

The AAUP report, which lays the groundwork for a potential vote by the association to censure the Missouri board, says the curators’ decision to fire Ms. Click without a faculty hearing "set a dangerous precedent that threatens the academic freedom of all faculty members at the University of Missouri."

"While the investigating committee cannot exclude the possibility that a review of the case by a representative faculty body might have produced a result similar to that reached by the curators, the committee is not convinced that Professor Click’s actions, even when viewed in the most unfavorable light, were adequate grounds for her dismissal," the report concludes.

It says the AAUP’s investigators had "reason to suspect that grounds other than Professor Click’s actions were the real cause for her dismissal," because state lawmakers "exerted undue influence" in her case by demanding her summary firing and threatening to cut the university’s budget.

‘An Easy Target’

In an April letter to the AAUP in response to a draft version of the report, Ms. Henrickson called the document "an apparent attempt to protect a faculty member who undisputedly engaged in misconduct" that the AAUP "should condemn, not blindly defend."

"Dr. Click assaulted one of our students and encouraged others to physically intimidate him; she excluded people from a public space where they had a right to be present; and she interfered with freedom of the press at the university that is home to the world’s oldest journalism school," Ms. Henrickson wrote.
She said the board had taken action "after waiting months for faculty or administration to address her conduct" and after Ms. Click had been criminally charged by a city prosecutor. (Ms. Click was charged with assault, pleaded not guilty, and agreed to do community service to avoid prosecution.)

For her part, Ms. Click has offered apologies for her actions and has blamed her dismissal on racial politics, arguing that she became "an easy target" as a white woman standing up for black students.

The AAUP had weighed in on Ms. Click’s behalf early in her dispute with her employer, challenging the university’s decision to suspend her soon after her clash with the student journalist. The group’s Committee A on Academic Freedom and Tenure will decide in early June whether to call on association members to vote to censure the university’s administration at the AAUP’s annual meeting later in the month.

**A Firing With Consequences**

The Board of Curators of the University of Missouri System violated academic freedom in dismissing Melissa Click, a former assistant professor of communication studies at the Columbia campus, according to a new investigatory report by the American Association of University Professors. As a result, AAUP could vote to censure Mizzou’s administration at the association’s upcoming meeting.

“By denying Click an adjudicative hearing of record before a duly constituted faculty body and other procedural rights guaranteed under both [AAUP-recommended policy] and the University of Missouri Collected Rules and Regulations, the Board of Curators violated basic standards of academic due process,” the report says. And in so doing, it “set a dangerous precedent that threatens the security of position and, consequently, the academic freedom of all faculty members.”
AAUP does not argue that Click’s actions toward two student journalists during an on-campus protest in the fall were protected by academic freedom. Rather, the association argues that in failing to adhere to established disciplinary procedures in her dismissal, the university compromised academic freedom for all.

“Due process exists for the purpose of protecting academic freedom, and if you set a precedent that you can simply dispense with that process, you signal to others that they do not enjoy the protection they expect,” said Hans-Joerg Tiede, senior program officer in AAUP’s Department of Academic Freedom, Tenure and Governance. “Even when circumstances are highly unusual, curators cannot ignore the process.”

The board, meanwhile, maintains that it was acting within its legal authority in the conspicuous absence of a faculty- or campus-driven investigation into Click’s conduct. In an initial response to AAUP’s report, curators said that the professor’s actions constituted misconduct, “which faculty and the AAUP should condemn, not blindly defend.”

Tiede’s term -- “highly unusual” -- is probably an apt description for Click’s case. In November, during protests at Mizzou over race relations there, Click interacted with two student journalists, jostling one’s camera and asking for “muscle” to remove them from a protest area. The moment was caught on camera, launching criticism even from colleagues who, like Click, where highly sympathetic to the protesters. Facing pressure from the Missouri Legislature, and following independent criminal charges brought against Click by a local prosecutor, the curators launched their own third-party investigation into the professor’s behavior.

The Columbia campus’s administration initially defended Click’s right to proceed with her tenure review -- ironically, on the morning of the November incident she was notified that she’d been approved for tenure, 5 to 1, by the College of Arts and Sciences’ tenure committee, according to the report. But Mizzou changed its tone after a second video emerged later in the academic year showing the professor shouting an expletive at police during an earlier protest. Interim Chancellor Hank Foley called her conduct -- which the board investigation described as blocking police officers -- “appalling.”

In February, during a closed-door session, curators voted 4 to 2 to dismiss her, effective immediately. The vote followed the investigation commissioned by the board and not involving a formal faculty review of Click’s actions.
Part of the reason Click’s case is so unusual is that it is so divisive; as professor of communication studies, she enjoyed few unqualified supporters after her altercation with students trying to document a public event. (Click has since apologized, saying she was caught up in the moment, in an attempt to protect student protesters.) At the same time, the curators’ unilateral action against her has sparked faculty fears about board overreach and undue outside influence -- fears the AAUP now officially shares.

“While the investigating committee cannot exclude the possibility that a reasonably open-minded review of the case by a representative faculty body might have produced a result similar to that reached by the curators, we are not convinced that Click’s [actions], even when viewed in the most unfavorable light, were adequate grounds for her dismissal,” the association’s report says.

Click did not immediately respond to a request for comment through her public relations firm, but she participated in AAUP’s investigation. In a prior statement endorsing the inquiry, she said that the board had bowed to “conservative voices.”

“Instead of disciplining me for conduct that does not ‘meet expectations for a university faculty member,’” she added, “the curators are punishing me for standing with students who have drawn attention to the issue of overt racism [on campus]. … The Board of Curators is using me as a scapegoat to distract from larger campus issues, but their termination of my employment will not remedy the environment of injustice that persists.”

Beyond implications for academic freedom on campus, the AAUP’s report also explores the role of the state Legislature in campus affairs. In early January, for example, 100 Republican lawmakers in Missouri released letters demanding Click’s immediate dismissal and questioning her research involving such popular media as *50 Shades of Grey*. “While we recognize that there may be some value in pop culture studies,” they wrote, Click’s “behavior has the public questioning her ‘research’ and her unacceptable actions.” Later in the year, Tom Flanigan, chair of the House of Representatives budget committee, proposed eliminating from the university budget an amount equivalent to the salaries of Click, her department chair and her dean. The House higher education appropriations committee also approved a 2 percent budget increase for all state colleges and universities except Mizzou. (Such concerns prompted 60 faculty members in March to write to the Higher Education Commission alleging “a growing pattern of state interference with the autonomous governance” at the university; a spokesperson for the accreditor this week had no immediate comment on that complaint.)

Regarding board overreach, the report notes that David L. Steelman, a curator, published an op-ed in *The Washington Post* in January calling for Click’s dismissal and
complaining that the university’s sole action thus far was to “place what I consider a meaningless admonishment in her file. In my opinion, this tepid action does not reflect a particularly strong commitment to our values.”

AAUP also suggests that the board contradicted Foley in suspending Click after the criminal charges were filed; just two days earlier, the report says, Foley told reporters that Click posed no immediate threat and that “good, strong processes are in place, and we’ll follow them to their completion and logical outcome.”

Yet AAUP does fault Foley for eventually supporting the board’s dismissal, calling the reversal “troubling.” According to the report, he told investigators his change of heart was motivated by a recognition that “we had to move on.” The report notes that it’s "not clear, however, that moving on required his acquiescence in the board’s position.”

The report also suggests waning faculty support for Click -- though not necessarily support for her dismissal, which AAUP maintains was summary. While many faculty members initially supported her right to remain on campus -- if not her actions -- her department chair in February informed her that he no longer supported her tenure application, and that the departmental committee was now evenly divided on its recommendation, according to the report. Days later, Click’s dean also revoked support for her candidacy, AAUP says.

Yet faculty governance bodies have rallied against her dismissal by the board. Ben Trachtenberg, an associate professor of law at Mizzou and president of its Faculty Senate, said this week that AAUP’s report “did not paint a pleasant picture -- it was not fun to read the institution I have such affection for described in such painstaking detail as messing up. But I do not dispute that some significant mess-ups occurred.”

Trachtenberg said blame, in his view, rested with the curators, as opposed to Foley. “The board fired her without using the collectively approved process or the rules that the curators themselves have promulgated -- it’s not as though we tried a hearing and it didn’t work, or that it took too long. ... They could have filed [a complaint] themselves.”

Like Tiede, Trachtenberg said that following procedures is especially important in unusual times, and he rejected the board’s reasoning that immediate action was needed to address an extraordinary situation. But unlike Tiede, Trachtenberg argued that Click’s case was hardly unusual -- at least certainly not an "emergency." There was time for due process to play out, since Click was not an immediate threat, he said -- yet the board chose to proceed in an ad hoc fashion.

Trachtenberg said the process can be improved going forward, such as by allowing faculty members to bring complaints against other professors without being party to the
disciplinary process; a fear of being dragged into the case was part of why even those professors who would have supported Click’s termination through established channels didn’t file a complaint against her.

Pam Henrickson, chair of the University of Missouri Board of Curators, said in a statement that the body continues “to stand behind our actions, which were in the best interests of the university. ... As the AAUP’s report acknowledges, this case did not involve a denial of Click’s academic freedom. But the AAUP’s report disregards the seriousness of her misconduct and reaches inconsistent and unsupported conclusions. The facts of this case could not be more clear and the board’s full response to the final AAUP report will provide detailed facts that support our actions.”

Henrickson said the board disagrees with AAUP’s conclusion “that academic freedom is threatened” and the university will “continue to hold our faculty in high regard and to respect the policies and procedures in place to ensure academic freedom and due process.”

Professor who pushed reporter’s camera away from protesters was not treated fairly, investigation suggests

After an investigation of the firing of Melissa Click, a communications professor who became a divisive national symbol during student protests at the University of Missouri last fall, a committee of the American Association of University Professors has concluded that her termination is a sign that academic freedom is endangered at the university.

The Board of Curators, the governing body that fired Click, strongly defended its actions on Wednesday.

During intense protests over race and other issues at the public flagship university this fall, Click was videotaped yelling at police and later, after demonstrators had forced the resignation of both the chancellor and the university system president, screaming at students trying to report about the protests and pushing one student’s camera away.

Those moments, which went viral, became lasting images of the unrest in Missouri and the protests, which spread to many campuses. To some, Click came to symbolize the willful smothering of free speech in a misguided attempt to protect students from offensive ideas that caused real damage to the public university. The backlash was intense. More than 100 state legislators demanded that she be fired, and state funding was at stake. Click was charged with assault, a charge later dropped in exchange for community service.
Click, who has repeatedly apologized for her actions, did not immediately respond to messages seeking comment on Wednesday. She said earlier this spring that it was easier for people to be angry at her, a white woman with a doctorate, than the black students who had become so powerful and forced so much change. Many faculty members signed a letter supporting her this winter.

The University of Missouri Board of Curators voted in February to fire her, and upheld their decision in March.

Later that month, members of the American Association of University Professors visited the Columbia, Mo., campus to investigate the termination.

In a report issued publicly Thursday, the investigating committee wrote at length of the circumstances surrounding her dismissal, including the tensions on campus and elsewhere in Missouri after a police shooting earlier that year.

The report cited numerous concerns and concluded that there had been violations of academic due process: She was denied the requisite hearing before a faculty group. She was terminated immediately after her appeal, rather than being given the typical one-year salary or notice. The committee was not convinced that her actions, even given the most unfavorable view possible, warranted her dismissal.

The board’s unilateral decision to fire her ignored the usual role of the faculty and administration and overstepped its own authority, the committee found.

The committee also suggested that Click’s actions were not the real impetus for her termination and that the legislature was inappropriately interfering with the university.

Pam Henrickson, chair of the University of Missouri Board of Curators, responded Wednesday with a written statement:

The Board of Curators continues to stand behind our actions, which were in the best interests of the University, regarding Dr. Melissa Click’s misconduct. As the AAUP’s report acknowledges, this case did not involve a denial of Dr. Click’s academic freedom. But the AAUP’s report disregards the seriousness of her misconduct and reaches inconsistent and unsupported conclusions. The facts of this case could not be more clear and the Board’s full response to the final AAUP report will provide detailed facts that support our actions.

Fact: Dr. Click assaulted a student and encouraged others to physically intimidate him; excluded people from a public space where they had a right to be present; and interfered with freedom of the press at the University that is home to the world’s oldest journalism school.

Fact: The Board provided Dr. Click due process throughout the review, including multiple opportunities to respond on her own behalf, suggest favorable witnesses for interviews and provided her with advanced reports for her comments.
Fact: The Board’s decision to consider the case came after existing faculty processes failed to address her misconduct. After initiating and reviewing an objective fact investigation, which exonerated Dr. Click on some allegations, the Board acted in the best interests of the University. We have stated repeatedly that this case is not setting a precedent for future actions related to faculty discipline.

The Board respectfully disagrees with the AAUP’s conclusion that academic freedom is threatened. The University will continue to hold our faculty in high regard and to respect the policies and procedures in place to ensure academic freedom and due process.

In June, the AAUP will consider whether to recommend censure of the administration and could vote to do so at its annual meeting later that month.

The AAUP noted that the University of Missouri administration has been censured twice before, most recently in 1973-1980, “the facts of which are strikingly similar to the present case. … ‘Curators had overreacted massively and ominously’ in taking disciplinary actions, without adequate safeguards of academic due process, against a number of faculty members following campus demonstrations that had occurred in 1970. The investigating committee at the time concluded that the ‘penalties which were imposed, and the manner in which they were imposed, cast a pall on the freedom,’” of faculty there.

The censure was lifted after the university added its current dismissal policy, which the AAUP committee maintains was violated by the firing of Click.

University of Missouri criticized for its firing of Click

The University of Missouri “violated fundamental principles of academic due process” and endangered academic freedom when it fired Mizzou Communications Professor Melissa Click in the wake of her actions during protests in Columbia last fall, a new report on the situation said.

The investigation by the American Association of University Professors added that the university's curators, who voted 4-2 to fire Click in February, bowed to political pressure from lawmakers in Jefferson City who had threatened to cut the university’s budget and look into its operations.

“It is difficult not to conclude,” the report said, “that the board's unilateral decision to terminate Professor Click's appointment without affording her the faculty hearing required under university policies was in some measure a response to inappropriate legislative intrusion and pressure.
“Indeed, we find no evidence that the curators ever publicly protested this interference or resisted individual legislators’ attempted exercise of undue influence.”

In a response to the lengthy analysis, the university defended its actions.

It said the AAUP “overreaches and takes a result oriented path to its conclusions. It does not dispute the key facts of Dr. Click’s misconduct and admits that this is not a case about her academic freedom. Yet it reaches the incongruous conclusion that academic freedom is endangered at the University of Missouri.”

The university said the AAUP does not dispute the basic facts of the case against Click but draws the wrong conclusions.

“By finding a danger to academic freedom after acknowledging there is no evidence that academic freedom has been denied, the report loses sight of the true purposes of a faculty hearing and treats such a hearing as an entitlement to throw a ‘thin chalk line’ around Dr. Click regardless of her misconduct.”

On the question of due process for Click, the university said:

“We do not suggest that faculty hearings should be cast aside whenever there is a case of faculty misconduct that does not involve exercise of academic freedom. The Board has no pattern of doing so and hopes to work with faculty to ensure that any future instance of faculty misconduct is addressed through a process involving faculty review, and without need for the Board to act in this manner again.

“Rather, we make the narrower point that, in the unique circumstances of this case, the Board was obligated to act on its own to enforce the University’s standards and its decision to do so was in the best interest of the University and does not threaten academic freedom.”

The timeline in Columbia

Click, who taught communication, first attracted national attention during protests at Mizzou in November, when the demonstrations led to the departures of system President Tim Wolfe and Columbia Chancellor R. Bowen Loftin.

In the aftermath of those actions, Click was caught on video calling for “muscle” to block journalists’ access to the quadrangle where a demonstration was taking place.

Later, another video surfaced showing Click involved in a shouting match with Columbia police during the campus homecoming parade in October.

As those examples became public, many lawmakers called for Click’s dismissal and threatened to withhold money from the university in retaliation for her continued presence on the faculty.
After having suspended Click from her position, university curators voted on Feb. 25 to fire
Click. It offered her the chance to appeal to the board, but her effort to overturn the dismissal
was rejected.

**AAUP investigates**

As tension surrounding Click’s behavior intensified, the AAUP announced it was sending a team
to campus to look into the situation. The heightened feelings in Columbia did not spare the
organization; it points out in a footnote to its report that when it announced its upcoming
investigation, a message left at its Washington office said members of the committee should
“bring [its] body bags.”

In its report, the association recounts not only Click’s actions, which it says are not in dispute,
but what it calls other “autocratic decisions” at the university that “foreshadowed the more
serious disruptions” that followed.

It cited Wolfe’s decision in 2012 to shut down the University of Missouri Press; Loftin’s
decision to eliminate full tuition waivers for quarter-time graduate assistants at Mizzou; and the
campus’ decision to withdraw the graduate student health subsidy, a decision that was later
reversed.

“That tension grew after the confrontation at the homecoming parade, where Wolfe’s car was
blocked by demonstrators, then by the hunger strike and protest that led to the departure of the
two top administrators.

When Click was charged with third-degree assault as a result of her actions on campus Nov. 9 –
a charge that was later put aside – interim Chancellor Hank Foley was asked whether Click
might be dismissed before pending action could be taken on her effort to secure tenure.

The AAUP report quotes Foley as responding: “No. Not going to happen.”

**No proper hearing**

But the AAUP report concludes that once Click was fired, the process did not follow proper
procedure.

“Just as there is no dispute regarding whether Professor Click engaged in the conduct cited as the
grounds for her dismissal,” its report said, “there is also no dispute regarding the failure to afford
her a faculty hearing.”
It cited an op-ed piece published in the Washington Post by curator David Steelman in January in which he said Click should be fired, noting that it came before the board launched its formal investigation.

Because the vote to fire Click was 4-2, and there are only six curators currently on the board, the AAUP concluded that Steelman did not recuse himself even though he had judged Click guilty before a formal investigation was launched. It cited that fact as one of several that indicated she did was not treated fairly by the university.

“Curator Steelman’s op-ed in the Washington Post not only prejudged Professor Click’s case but arguably can be seen — and was so viewed by many faculty members — as an unwarranted and inappropriate attack on shared governance, academic freedom, and the faculty itself, in violation of Mr. Steelman’s duty under the bylaws to defend academic freedom and “collaboration governance.”

The report concluded:

“By acting unilaterally in the case of Professor Click, the board effectively undermined the authority of the very leaders it appointed just months earlier to restore order and address underlying problems. Indeed, by suspending Professor Click just two days after Chancellor Foley had publicly declared his faith in existing processes, apparently with no prior notice to the chancellor, the board revealed a remarkable disrespect not only for the faculty in its governance role but also for its own appointees.”

It added:

“While there is no definitive evidence to suggest that the board of curators did not act upon its stated motives, there is reason to suspect that grounds other than Professor Click’s actions were the real cause of her dismissal. By threatening budgetary and other consequences and openly demanding the summary dismissal of a faculty member, members of the Missouri legislature exerted undue political interference in the case of Professor Click, and the threat of such illegitimate interference continues ….

“In light of the board’s action against Professor Click and in the context of legislative threats to the institution and unresolved administrative turmoil, academic freedom and shared governance at MU are endangered.”

**The university response**

In its statement, the curators emphasized that the board “does not intend to set a precedent through its action in this case.”

It also said that the AAUP report “takes its eye off fundamental issues of academic freedom in failing to appreciate fully the impact of Dr. Click’s misconduct on the University’s educational environment. While Dr. Click’s academic freedom was not at stake, the failure of existing
procedures to address the seriousness of her misconduct had raised worrisome questions about the University’s commitment to upholding the standards that protect its educational environment.

“When others failed to act, it was incumbent on the Board to act and enforce those standards. Engaging any other process would have allowed questions to linger for such a time that the effects on the University’s educational environment would have been caustic.”

The university response points out several examples of what it considers to be misrepresentation of the facts and misinterpretation of actions by university officials, saying the investigation by the AAUP is “plagued by inconsistency and speculation.”

“We recognize there can be reasonable debate about whether the Board should have tried to prompt a faculty hearing before it dismissed Dr. Click,” the university statement concluded, “and we encouraged a thoughtful discussion about academic freedom. But to find that academic freedom is in danger at the University of Missouri based on this singularly challenging case of misconduct requires an overreach. And that is what the Committee’s report does.

“We also recognize that faculty hearings can guard against dismissals that target a faculty member’s academic freedom. As the Committee’s report admits, however, that was not this case. Faculty hearings should not be a means to ignore or blindly defend faculty misconduct. But that too is what the Committee’s report does.”

At a meeting in June, a committee of the AAUP will decide whether to recommend that the association censure the administration at Mizzou. Censure can be imposed only by vote of delegates to the group’s annual meeting on June 18.

Report: University of Missouri curators bowed to political pressure in Melissa Click firing

By Rudi Keller

Wednesday, May 18, 2016 at 11:01 pm

Melissa Click’s firing undermined the authority of campus and system administration at the University of Missouri and was more likely due to political pressure for her removal than her actual offenses, an investigative report from the American Association of University Professors concludes.
The report, written by a three-member investigating committee of professors from other institutions, was published just after 11 p.m. Thursday on the association’s website. It will be considered in early June by the association’s Committee A on Academic Freedom, which will recommend whether MU should be on put on the group’s censure list for the third time.

“The purpose of this report is not to defend Professor Click’s November 9 actions, for which she has apologized publicly and repeatedly, nor to assert that those actions should have been protected under principles of academic freedom,” the report states.

Because the Board of Curators voted to fire Click without engaging in the normal process for disciplining faculty, in an atmosphere of political pressure and administrative turmoil, “academic freedom and shared governance at MU are endangered,” the investigators wrote.

The university, which was given a chance to comment on the report before it was published, hit back with a report defending the curators’ action. The report argues that the regular process had failed because no one was willing to initiate a complaint.

“When others failed to act, it was incumbent on the board to act and enforce those standards,” the report states. “Engaging any other process would have allowed questions to linger for such a time that the effects on the university’s educational environment would have been caustic.”

On Nov. 9, Click was at the Concerned Student 1950 demonstration site on Carnahan Quadrangle and repeatedly attempted to prevent reporters and photographers from coming close to the tents set up there. Student videographer Mark Schierbecker recorded her trying to organize protesters to remove photographer Tim Tai before she grabbed at Schierbecker’s camera and called for “some muscle” to remove him.

The video was seen by millions of viewers and generated a firestorm from First Amendment advocates and conservatives upset over the demonstrations themselves. Click, an associate professor of communication, issued an apology the next day but it did not quiet critics.

The political clamor for her dismissal included letters in December signed by 117 Republican lawmakers that continued Feb. 22 with legislative budget cuts targeting her salary and the system administration. She was suspended with pay in January after being charged with assault on Schierbecker in Columbia municipal court. Prosecution was deferred.

The curators voted 4-2 on Feb. 24 to fire Click and affirmed the action in March after considering her appeal. The vote came after a second video surfaced, from the Concerned Student 1950 demonstration during the Oct. 10 Homecoming parade, showing Click cursing at a Columbia police officer.

Separating Click’s actions from the turmoil on campus during the Concerned Student 1950 demonstrations is difficult, the investigators wrote. “It is also difficult to imagine that she would have been treated as she was in the absence of the backlash against the protesting students that emerged after November 9 in the legislature and the media, including social media.”
The investigating committee was chaired by Henry Reischman, professor of history at California State University, East Bay, who also chairs the association’s Committee A on Academic Freedom. Reischman did not vote on whether to publish the report.

Reischman and fellow committee members Nicholas Fleischer, assistant professor of linguistics at the University of Wisconsin-Milwaukee, and Sheila Kennison, professor of psychology at Oklahoma State University, visited Columbia on March 22 and 23 and met with interim Chancellor Hank Foley, who was accompanied by a university attorney.

The curators declined to meet with investigators, providing a 10-page response to association questions. They met with seven faculty members, including Faculty Council Chair Ben Trachtenberg, a leader of Concerned Student 1950, another student who was present Nov. 9 and Click.

One rule cited by the curators for firing Click allows disciplinary action for conduct that discredits the university, which means public opinion probably played a role in the decision, the investigators wrote.

“Similarly, many observers see the board’s action as motivated less by concern with Professor Click’s alleged misconduct and more by an effort to appease legislators threatening to punish the institution financially if she were not dismissed,” the report states.

Curators Chair Pam Henrickson, one of two votes against firing Click, issued a statement Thursday defending the decision on behalf of the board.

“The Board of Curators continues to stand behind our actions, which were in the best interests of the University, regarding Dr. Melissa Click’s misconduct,” Henrickson said. “As the AAUP’s report acknowledges, this case did not involve a denial of Dr. Click’s academic freedom. But the AAUP’s report disregards the seriousness of her misconduct and reaches inconsistent and unsupported conclusions.”

Click did not respond to a message through her publicity agent. Click has raised $13,812 for her legal bills at a gofundme page created by a friend, Nina Huntemman, an associate professor at Suffolk University in Boston.

Hans-Joerg Tiede, associate secretary of the Department of Academic Freedom, Tenure, and Governance at the association, said in an interview Thursday that he could not predict whether MU would be on the censure list. The list was created after the association investigated MU in 1930 for firing one faculty member and suspending another for allowing a survey of student attitudes on women’s economic condition and sex.

The university was placed on the list again in 1946 for a professor's firing without a hearing and in 1973, after eight professors were docked pay for taking part in anti-Vietnam War demonstrations in 1970. The rules the report alleges the university violated were crafted to win removal from the censure list in 1980, Tiede said.
“First of all, the analysis that this report provides is what exactly the curators offered as a substitute for due process,” Tiede said. “The response of the curators was that these were extraordinary times, we had to do something else and we believe this was an adequate substitute. There is a compelling argument that this was not an adequate substitute for the academic due process that is needed to protect academic freedom.”

Click was being considered for tenure and on Nov. 9, a faculty committee considering it voted favorably on her application.

Foley noted that she was in the tenure process when he announced Jan. 25 that she would keep her job until that process was completed. The board voted to suspend her three days later. Under university rules, a faculty member denied tenure is given a one-year terminal contract to allow time to find different employment.

The report questions whether the curators bypassed the normal processes because they feared it would not result in Click’s dismissal.

The investigators wrote that curator David Steelman of Rolla, “who announced in the pages of the Washington Post a week before the board launched its investigation his conviction that Professor Click was guilty and should be dismissed, might well have served as a significantly more legitimate prosecutor than judge and juror.”

Steelman issued a short statement Thursday.

“I stand by everything I wrote in the Washington Post commentary,” Steelman wrote. “The AAUP seems to hold the position that no person, outside of faculty, is entitled to express an opinion on what happens at the University. In my opinion higher education’s reputation would be enhanced by a greater willingness to listen to the public.”

The AAUP report is wrong to imply improper motives for the board’s actions, the university report states.

“If the board had pre-judged the matter as the committee alleges, it had no reason to worry whether a faculty hearing would ‘produce a desired result’ as the Committee alleges because it still could have acted to dismiss Dr. Click,” the UM report states.
COLUMBIA — Investigators with the American Association of University Professors have determined that the UM System Board of Curators’ firing of Melissa Click jeopardized academic freedom at MU and opened the door for future legislative interference.

A three-person investigative committee visited Columbia in March to interview Click, MU Interim Chancellor Hank Foley, members of the MU Faculty Council and the MU AAUP chapter and others. The AAUP wrote letters to university administrators on Feb. 2, Feb. 26 and March 3 before announcing the investigation on March 7.

“In light of the board’s action against Professor Click and in the context of legislative threats to the institution and unresolved administrative turmoil, academic freedom and shared governance at MU are endangered,” investigators wrote in a report to be released Thursday. The committee’s findings were similar to those that led to the AAUP’s censure of MU’s administration during most of the 1970s over the board's response to protests of the Vietnam War and shootings at Kent State University.

The AAUP is a national professors’ organization that advocates for fair and free working conditions for teachers and researchers. Its members believe that “higher education is a fundamental human right to which freedom of inquiry and expression are integral,” according to its website.

Click, a former assistant professor of communication, came under fire after she called for “some muscle” against MU student Mark Schierbecker, who was filming the Concerned Student 1950 protests on Nov. 9 on the Mel Carnahan Quadrangle. She was suspended with pay Jan. 27, the curators voted to fire her Feb. 24 in a closed meeting, and her appeal to regain her job was rejected March 14. A misdemeanor third-degree assault charge was filed against her on Jan. 25, and the city prosecutor deferred prosecution on Jan. 29.

The curators declined to speak with investigators, but board chair Pamela Henrickson in an April 27 letter chastised the AAUP and asked for a “full reconsideration and revision” of the report after seeing an early copy.
“The draft contains multiple inconsistencies and on multiple points, it appears to rely on the contention of one witness (apparently Dr. Click) and reports the contention as though it is fact,” Henrickson wrote. “... At other places, the draft makes assertions and conclusions that are not supported by the facts or the draft’s own analysis.”

In a statement Thursday, Henrickson stood by the curators' actions and criticized the AAUP committee's conclusions, saying that "the AAUP's report disregards the seriousness of her (Click's) misconduct and reaches inconsistent and unsupported conclusions" and that the board "respectfully disagrees with the AAUP's conclusion that academic freedom is threatened."

A response from the full board linked to Henrickson's statement said: "The report repeatedly asserts that the Board did not follow University regulations in dismissing Dr. Click without a hearing before a faculty body. That is inconsistent with the report's acknowledgement that the Board had 'legal authority to act independently.' Moreover, it is simply wrong. As we explained to the Committee previously, the Board retains authority to terminate a faculty appointment.

"The Committee's report fails even to discuss the relevant University rules we called to the Committee's attention expressly permitting the Board to act in this type of situation."

**Due process denied**

After their interviews, AAUP investigators weren’t convinced that Click deserved to be fired, and they found that the curators “violated basic standards of academic due process” by denying Click a hearing in front of her peers.

“In doing so, the board of curators set a dangerous precedent that threatens the security of position and, consequently, the academic freedom of all faculty members at the University of Missouri,” investigators wrote.

Such a hearing is part of the process for adjudicating claims of faculty irresponsibility as outlined in the UM System’s Collected Rules and Regulations. The investigators noted that any curator could have filed a charge of faculty irresponsibility against Click but chose not to.
“The most reasonable explanation — not only for refusing to follow the institution’s own regulations but also for declining the opportunity to press charges under those regulations — is that the curators feared the process would fail to produce a desired result,” investigators wrote.

In her April 27 letter, Henrickson called the firing a necessary step, reiterated that the board was acting within its legal authority and cited the “objective fact investigation” compiled by the Bryan Cave law firm of St. Louis.

“Using the same evidence that was fully disclosed to Dr. Click, the Board took action based on her misconduct in failing to fulfill established expectations of faculty — expectations that are derived from the AAUP’s own standards,” Henrickson wrote. “The Board’s decision had nothing to do with her teaching, research or any other form of academic freedom.”

As in previous letters to university administrators, the AAUP report cites the association’s 1940 Statement of Principles on Academic Freedom and Tenure, a part of which notes the importance of an adjudicative hearing when considering whether to fire a faculty member.

“No one denies that Professor Click was not afforded such a hearing, nor that such a hearing is mandated by MU regulations,” investigators wrote.

Henrickson’s letter makes it clear that the board’s understanding of its actions in regards to the 1940 Statement doesn’t jibe with that of the AAUP investigators.

“While we endorse the normative practice of faculty hearings in terms of mid-term dismissal, the language and core principles of the 1940 Statement do not suggest that the absence of a faculty hearing under the facts of this case represents a danger to academic freedom,” she wrote. “... As explained in our March 17, 2016 letter, the Board’s action was consistent with core principles of the 1940 Statement in key respects.”

Investigators also noted that curator David Steelman had publicly declared in a Washington Post opinion piece that he believed Click should be fired and that Steelman “might well have served as a significantly more legitimate prosecutor than judge and juror.”
Steelman was undeterred by the AAUP's findings.

"I stand by everything I wrote in the Washington Post Commentary," he said in a statement. "The AAUP seems to hold the position that no person, outside of faculty, is entitled to express an opinion on what happens at the University. In my opinion Higher Education’s reputation would be enhanced by a greater willingness to listen to the public."

Karen Piper, an MU English professor and MU AAUP member, said she thought the report was “very thorough and fair” and said “seems quite damning for the Board of Curators.”

“The irony of this is like, they fired Melissa for damaging the university’s reputation, but they’re the ones that are doing it,” she said. “Particularly Steelman.”

Faculty were worried about the implications of Click’s suspension on due process, according to previous Missourian reporting. And according to the report, Click told investigators that “all faculty members grew fearful” after she was fired.

“While we cannot confirm the accuracy of that observation, we can certainly conclude that, in light of the board’s action against Professor Click and in the context of legislative threats to the institution and unresolved administrative turmoil, academic freedom and shared governance at MU are endangered,” investigators wrote.

The board said in its response to be released Thursday that the AAUP committee went too far with this conclusion.

"We recognize there can be reasonable debate about whether the Board should have tried to prompt a faculty hearing before it dismissed Dr. Click and we encouraged a thoughtful discussion about academic freedom," the board wrote. "But to find that academic freedom is in danger at the University of Missouri based on this singularly challenging case of misconduct requires an overreach. And that is what the Committee's report does."

**Pressure from the Capitol**
Confirming what has been widely accepted for months, the AAUP investigators said that “legislative intrusion into matters best left to campus administration and faculty is a major and menacing concern raised by this case.”

Lawmakers were among those most outraged by Click’s conduct. Following the November protests, more than 100 Republican legislators — included Columbia’s Sen. Kurt Schaefer and Reps. Caleb Jones, Caleb Rowden and Chuck Basye — signed letters calling for Click’s firing, and the professor’s name was repeatedly invoked as a justification for cutting the budget of MU and the four-campus UM System. Appeased by her dismissal, legislators eventually settled on cutting the system’s budget by $3.8 million, down from the $8.6 million decrease initially passed by the state House of Representatives.

The AAUP report finds that the letters and the financial threats — specifically, a proposal to eliminate an amount equal to the salaries of Click, the chair of the Department of Communication and the dean of the College of Arts & Science — were evidence of legislative interference.

“Indeed, few would question that political pressure was exerted on the campus, and most would assume that it had a significant, if not decisive, impact on the decision to terminate Professor Click’s appointment,” investigators wrote. Later in the report, they noted that “the threat of such illegitimate interference continues.”

Victoria Johnson, an MU AAUP member and sociology professor, said lawmakers’ actions raised very serious concerns about the university's reputation and academic freedom.

“People talk about the lower enrollment this year and, as part of the narrative, blame the black protesters or blame Melissa Click,” Johnson said. “The legislature has done more harm to the reputation of this university through their premature actions. They added fuel to the fire.”

Investigators pointed out that trying to get Click fired wasn’t a lone instance of legislators trying to insert themselves into decisions on the Columbia campus. They brought up Schaefer’s attempt
to block an MU student’s dissertation about a state law that requires women to wait 72 hours between searching for information about abortions and having an abortion.

The AAUP report also discussed the “ominous implications” of the UM System Review Commission proposed by Schaefer and passed by the legislature.

Johnson said Schaefer’s review commission could subject MU to devastating micromanagement and would set "an extremely dangerous precedent."

“If you want a world-class research university, there may be people saying things and studying things that you don’t like as an individual,” she said. “It’s for the public interest, and that means everybody, not just a few people in the legislature.”

Foley, who declined through the MU News Bureau to comment for this article, told investigators that he had resisted Schaefer’s research-related pressure so far.

But the report sounded a grim tone for future interactions between MU and the legislature, and it implicated the curators for not publicly defending the university against legislative attacks.

“While we are relatively confident that Chancellor Foley and (interim UM System President Mike) Middleton, in their admittedly difficult and even unpleasant dealings with legislators, sought to defend the university’s autonomy, we see little evidence that the board of curators joined in such efforts,” investigators wrote. “... Indeed, we find no evidence that the curators ever publicly protested this interference or resisted individual legislators’ attempted exercise of undue influence.”

The curators also criticized the AAUP report for drawing "an unjustified and unsupported connection between expressions of dissatisfaction from outside the University and a threat to academic freedom."

"The report emphasizes calls from Missouri legislators for termination of Dr. Click and relies on them as a key component of its conclusion that academic freedom is endangered at the
University," the curators wrote. "Reaching that conclusion is inconsistent with the report's acknowledgement that this case is not about denial of Dr. Click's academic freedom.

"Further, the University serves the public and the state. The people and their elected representatives had every right to express dissatisfaction about Dr. Click's misconduct and the University's failure to address it."

MU Faculty Council chair and Law School professor Ben Trachtenberg, who met with the AAUP investigators in March, noted that the legislative involvement in MU’s affairs remained a concern among professors.

“The joke that’s been going around is, 'If 100 legislators write a letter demanding that you be fired, you might unreasonably believe that there are people out to get you,’” he said.

**What’s next?**

The association’s Committee A on Academic Freedom and Tenure will decide in early June whether to recommend that MU’s administration be censured, and if so, censure will be voted on at the AAUP’s annual meeting in mid-June.

Henry Reichman, who headed the investigative committee in his capacity as chair of the Committee A on Academic Freedom and Tenure, said he didn’t want to predict whether MU would be censured so as not to prejudice AAUP members’ views. He noted that censure had an impact despite the AAUP’s absence of disciplinary power.

“Faculty members considering employment at an institution may well take into account the censure in making their decisions,” Reichman said in an email. “That institutions take the list seriously is suggested by their efforts to get off of it. Usually the more prestigious the institution, the more likely they are to try to get off the list.”
The AAUP looks for administrations to do three things to get off the censure list, Reichman said. One of those is an “adequate settlement” with those involved in the actions that led to the censure.

“In this case, we would seek some sort of settlement with Prof. Click, perhaps the result of a lawsuit she may file,” Reichman wrote.

Click did not rule out filing such a lawsuit when she was interviewed in February but had not sued as of Wednesday, according to Missouri court documents. She could not be reached for comment for this article.

A second condition the AAUP looks for is policy changes to prevent problems from recurring.

“I am not sure what this would entail in this matter, because as our report documents the university’s policies were already consistent with AAUP standards; they were simply violated,” Reichman wrote.

Trachtenberg said Faculty Council was reviewing the sections of the bylaws concerning faculty irresponsibility proceedings but added that “no one even tried to use them this time. It’s not like the hearing happened and it worked poorly.”

Finally, the association looks for “some sort of guarantee that the overall atmosphere for academic freedom is satisfactory, which we usually determine with a visit to the campus by an AAUP representative,” Reichman wrote. “But all this puts the cart before the horse; MU is not yet on the list, and we will have to see how things develop before we can say what they would have to do to get off it if they are placed on it.”

MU was previously censured by the AAUP in 1973.

Amid the Vietnam War and following the shooting of four students at Kent State University by Ohio National Guard troops in 1970, MU sociology professors resolved to stop teaching to protest the President Richard Nixon administration’s “military adventures in Indo-China and its
repressive policies against civil dissent that has resulted in the loss of life of four young persons.”

The Board of Curators then decided to suspend Department of Sociology chair Daryl Hobbs without pay or notice and threatened to fire him. Six other sociologists had their pay docked, and two protesting professors were initially denied tenure.

Two investigators looked into the matter and found that “the administration and the Board of Curators of the University of Missouri overreacted massively and ominously.”

“Given what occurred, one cannot expect any faculty member at the University to feel immune from the imposition of summary discipline, nor to feel secure that his basic rights (of due process) will be observed,” the 1973 report reads.

Investigators noted that the 1973 case was “strikingly similar” to the Click investigation.

Piper said Click’s firing had “eerily reminded” her of the 1973 case and said she’d heard that “faculty are afraid to speak for themselves, to go to protests, to say anything.” She noted that she was only speaking to the Missourian because she has tenure.

MU was taken off the censure list in 1980 after the curators adopted new rules that aligned with AAUP standards.

“Last time, we changed the rules. This time, the AAUP is writing us up for not following the rules,” Trachtenberg said. “There’s not really a straightforward fix except for promising to do better in the future.”

The curators have maintained that Click’s unilateral firing was an atypical step under extenuating circumstances.

A final decision is still a month away, but censure again appears to be in the cards for MU.
“I think people who are betting in Vegas are probably betting that we’re going to get censured,” Trachtenberg said.

Report says Click's firing endangers academic freedom

COLUMBIA, Mo. — A report by the American Association of University Professors finds that the firing of professor Melissa Click by the University of Missouri board of curators in February lacked due process and endangers academic freedom at MU.

Click was fired in February by the University of Missouri Board of Curators for her controversial participation in a campus protest in which she allegedly assaulted a student reporter while trying to have him removed from MU's Carnahan Quadrangle. She is shown in a widely-viewed video clip asking for "some muscle" to eject the reporter.

Click was an assistant professor of communication at MU.

According to the report, an investigative committee of the AAUP visited Columbia in March and spoke with administrators, faculty leaders, and Click. While the main objection to Click's firing was that she was dismissed for misconduct without being provided a faculty hearing, in the opinion of the committee there were several objectionable items relating to Click's firing that it deemed unfair.

The report concluded that: Even in the most unfavorable light, Click's actions did not justify her dismissal; Click was denied a hearing of record before a duly constituted faculty body; the curators violated widely accepted principles of academic due process, which require, among other things, that Click receive notice or salary of at least one year; the curators' unilateral action usurped its traditional role; the university was likely acting under pressure from members of the legislature to fire someone; because of all this, academic freedom at MU is endangered.

At its June meeting, the AAUP committee on Academic Freedom and Tenure will decide whether to recommend that the association censure the MU administration.
AAUP releases report on former professor Melissa Click's termination

COLUMBIA, Mo. - The American Association of University Professors released its report into former assistant professor Melissa Click's termination Thursday.

The 19-page report looks into the University's decision to fire Click after November protests on campus.

On February 25, the UM Board of Curators voted to dismiss Click. The decision came after video surfaced showing Click confronting a journalist during protests.

The report says the AAUP investigating committee is not convinced Click's actions were adequate grounds for her dismissal. The report also says the curators violated basic principles of academic due process by denying Click an adjudicative hearing of record before a duly constituted faculty body.

The report goes on, saying there is reason to suspect that grounds other than Click's actions were the real cause of her dismissal. It alleges that academic freedom and shared governance at MU are endangered.

AAUP investigators visited Columbia back in March to meet with Click, administrators, Board members and faculty leaders.

At its meeting in June the AAUP's Committee on Academic Freedom and Tenure will decide whether or not to recommend the association censure the MU administration.
1930 sex survey case among past AAUP investigations at University of Missouri

By Rudi Keller

Wednesday, May 18, 2016 at 11:01 pm

The American Association of University Professors has investigated four cases alleging improper disciplinary actions against faculty at the University of Missouri.

George L. Clark case, 1922: On Nov. 29, 1920, the Board of Curators issued a letter to Clark, a professor of law, dismissing him from the faculty and stating that the board “feels forced to take this action because of your persistent and active disloyalty to” President A. Ross Hill, “the lack of confidence on the part of students in your fairness, and your steadily declining usefulness to the institution as a result of these and other factors in your attitude and conduct.”

The association determined Clark’s firing violated association policies but did not involve issues of academic freedom. The investigators wrote that the curators, “by their past action and by such evidence as was obtainable of their present attitude, stand convicted of refusal to recognize the right for which the American Association of University Professors squarely stands, namely, that of a hearing before dismissal.”

Sex Survey case, 1930: Max F. Meyer, a professor of psychology, in April 1929 was suspended for a year without pay and Harmon O. DeGraff, an instructor in sociology, was dismissed for allowing students to conduct a survey on the changing economic status of women, sexual codes and moral ideals. The survey caused a public uproar, with the Tribune stating in an editorial that the questionnaire was “filthy, degrading, immoral, revolting, and perverted in character and tone.” In formal charges, Meyer and DeGraff were accused of allowing a survey that was shocking, “which tended to make students sexually immoral” and was without scientific value.

The investigative report highlights the role of newspapers in generating public outrage over the survey. It condemned the curators and President Stratton Brooks for failing to protect academic freedom, warning that under his administration MU “is not an institution where scholars may go and work with the assurance of the freedom in teaching and research, and the security of tenure granted in the ranking universities of this country.”

Lee S. Hultzen case, 1946: Hultzen, an assistant professor of speech, was dismissed in March 1942, six months after he was granted tenure. Dean of Arts and Science W.C. Curtis wrote to Hultzen that the appointment “now appears to have been so serious a mistake that you cannot expect advancement because the University cannot use your services except to a limited degree.”

Investigators reported rumors Hultzen sexually harassed a female graduate student may have led to the decision but couldn’t find anyone at the MU willing to talk on the record about it. The
investigation found Hultzen was not given a hearing or even a statement of the specific reasons for his dismissal. At its June 1946 meeting, the association put MU on its censure list.

**Vietnam War protests case, 1973:** The Vietnam War and the deaths of four students at Kent State University in May 1970 sparked large protests at MU, with crowds of students filling the chancellor’s office in Jesse Hall and other actions. Many classes were canceled and in the resulting media attention and political pressure, curators ordered “a report with names of personnel absent from duty without authorization…” Daryl Hobbs, chair of the sociology department, was suspended for 10 days for refusing to provide the names and seven other faculty members were docked pay in varying amounts.

The investigation found the curators and MU administrators “overreacted massively and ominously” and the penalties, imposed without a hearing, “cast a pall on the freedom with which faculty members at the University conduct themselves in and out of the classroom.” The association voted to place MU on the censure list again. It was removed in 1980.

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**THE KANSAS CITY STAR.**

**Mizzou has shown before it can successfully address protests, with shanties and all**

**Get ready to reassess if you thought the racial tensions and national media glare that descended upon the University of Missouri last fall were dramatic.**

Child’s play in comparison to what the university went through in the mid-’80s. The issue then was a student-backed effort to force the University of Missouri System to divest millions in investments tied to the racist apartheid government of South Africa.

All the same players were involved: alumni concerns, the warring perspectives of state legislators, conflicted faculty, administrators who both worked well with student protesters and those who saw them as pests, curators with similarly divided views. And, of course, activist students who set up campsites on campus and refused to budge until their concerns were met.
This is important because a university committee is weighing a nearly 70-year-old rule that governs setting up tents and overnight protests on campus. The rule could be used to squash future campus protests.

Perspective can help. The magnitude of what was being challenged in the 1980s and the longevity of the protests then are incomparable to last year. And MU survived.

Last November, members of the group Concerned Student 1950 and its sympathizers spent a week in tents, protesting campus intolerance. Compare that to the year students spent in shantytown huts constructed on campus beginning in the fall of 1986. The huts were to illustrate the conditions that black people were enduring in South Africa.

At least three times, university police tore down the structures of wood, plastic and cardboard, according to Kansas City Star accounts. Students kept rebuilding. In February 1987, more than 40 protesters were arrested, charged with trespassing and hauled to jail. Another time, 400 people joined the protest. In late June 1987, someone burned one of the huts. That led to round-the-clock protection for the shantytown.

Back then, administrators struggled with whether the activist students had a permit, whether they were a student group or not, and what would overstep free speech. All similar to what the Concerned Student 1950 group faced.

The rule under consideration now essentially forbids camping overnight on campus. It’s been in place since 1949. It might have been adopted to address a severe shortage in student housing. Thanks to veterans using the GI Bill, Mizzou’s enrollment more than doubled after the war, according to former Kansas City Star reporter Brian Burnes, who wrote the book “Mizzou 175.”

The camping ban was not invoked to dismantle the Concerned Student 1950 tents last fall. And it shouldn’t be used to kill future dissent, or to avoid media attention.

Rather, the university and its disgruntled students should take a cue from the past and work on resolutions, with patience and an understanding that meaningful change doesn’t happen quickly.
Contrary to what some protesters wish to believe, working with the system that currently exists is necessary. Sure, you might get a few heads to roll by loud dissent, but that’s not systemic change. Last year, the system president and MU’s chancellor stepped down amid the turmoil.

In the same vein of pulling on the big-boy pants, the Missouri legislature needs to stand down from its attempts to punish a whole university system for the antics of a few by cutting funding.

In 2015, it was far too enticing for both media and critics of the students to get caught up in the personalities involved, the antics of a professor and a hunger-striking protester.

Lost was the issue: the inclusion and safety of differing races, ethnicities and viewpoints on campus.

Again, the past is helpful. A forum was held at MU in April titled ’86-’87 MU Shantytown Occupation: Legacy of a Successful Protest.

Pressures to divest had begun years earlier. Then-university president C. Peter Magrath called the system of apartheid “reprehensible” in 1985, but also noted the complexity: “These investment questions involve moral, legal, political and economic implications.”

What followed was a lengthy process of public hearings, economic studies, the work of committees, the slow shift of public opinion and, yes, vibrant protests.

Curators had fiscal responsibilities to uphold, along with meeting the humanitarian need of South Africans. What they decided would affect endowments, pensions and student scholarships, let alone the financial standing of the multiple-campus university system.

By December 1987, curators approved a five-year plan to divest about $75 million from university portfolios worth $576 million. A moral, righteous path had been found.

How do you measure a protest’s success? The passage of time helps. Incidents that court glaring media attention and controversy today might be lauded in the future.
Keep that in mind before quickly passing judgment on efforts to manage campus protests and the controversies that the Concerned Student 1950 group highlighted.

Attorneys question constitutionality of camping ban enforcement

By Alan Burdziak

Wednesday, May 18, 2016 at 2:00 pm

Two people involved in a late 1980s court case that arose from student activists living in shanties on the University of Missouri’s Francis Quadrangle have questioned whether MU’s plan to enforce a 69-year-old regulation banning overnight sleeping in public places is constitutional when it comes to political speech.

Dan Viets, one of the attorneys who represented the lone student prosecuted for her activism in the ’80s, said there is still a question of whether camping as a form of political expression — which is held to a higher standard — can be banned in public areas of campus.

“It’s worth considering whether that policy will be found unconstitutional again,” he said.

In 1986, students built a shantytown to protest the university’s ties to companies operating in South Africa and the country’s racist apartheid government. Students lived in the shanties for the better part of a year, until 41 protesters were arrested on suspicion of trespassing.

Kathryn Benson, now a local attorney, was the only person who was tried on the misdemeanor charge as the group’s representative. The demonstrators were arrested after MU began to enforce a policy that the quad was reserved for official events. Judge Patrick Horner ruled Benson was exercising her right to free speech and called the state’s trespass law unconstitutional when applied to the case. Horner said the university’s regulations on trespass were unenforceable and not content-neutral.

MU officials recently said they will not allow people to stay overnight on campus outside of dorms — even if the group is protesting — after Concerned Student 1950’s tent city was allowed to occupy Carnahan Quadrangle for about a week in November. The group was protesting racism on campus; their efforts led to the resignation of then-UM System President Tim Wolfe.
Former MU Chancellor R. Bowen Loftin, who resigned the same day as Wolfe because of turmoil on campus, said he consulted with his staff of 13 to 15 people about whether to allow the protesters to stay on the quad in November. He said a “solid majority” of his staff voted to let the students remain on the quad.

“Stopping would have had a whole other series of issues that would have been in play,” Loftin said.

Interim Chancellor Hank Foley and Faculty Council Chairman Ben Trachtenberg created a committee to examine free speech, protests and the press; the committee is expected to soon release its recommendations, which will include enforcing the camping ban.

“Content neutral” is the key to restricting First Amendment rights because regulations have to treat each situation the same, said Sandy Davidson, a member of the committee and professor at MU. Case law allows organizations to place restrictions on time, place and manner of expressive events, she said, adding that she believes the policy is legal.

“We’re trying to drive this one straight through Supreme Court decisions … trying to maximize freedom of expression while at the same time” keeping the campus safe and allowing classes and activities to continue unabated, Davidson said.

When she heard of the plan to enforce the camping ban this week, Benson said she had the same thought as Viets about whether the move would be constitutional. She does not agree there is a safety issue on campus, she said.

“Concern that something might happen and there might be liability fade compared to the importance of freedom of speech and expression,” Benson said.

Gary Oxenhandler, a retired circuit judge and Benson’s lead counsel in the 1987 case, declined to comment, citing his status as a senior judge who still oversees some cases.

Robert Jerry, a law professor at MU, is chairing the university committee that is considering how to best regulate First Amendment issues on campus. Like Davidson, Jerry said questions about constitutionality will be moot so long as the university treats each case the same.

“When you have a policy that says you can’t sleep overnight or outdoors, it doesn’t matter what the reason is,” he said. “If that’s the policy, it has to be enforced.”

Because of his past experience with MU on issues of freedom of expression, Viets was skeptical of how the regulation will be enforced in the future.

“It may be constitutional on its face, but if it’s used in an unconstitutional way,” there could be problems, Viets said.
University of Missouri freezes in-state undergrad tuition, ups costs for others

The University of Missouri System governing board is freezing tuition for in-state undergraduates but hiking it for other students.

The Associated Press

COLUMBIA - The University of Missouri System governing board is freezing tuition for in-state undergraduates but hiking it for other students.

Curators on Wednesday agreed not to raise tuition for in-state undergraduates in the four-campus system. Tuition will increase 3 percent next fall for out-of-state undergraduates.

That will mean an increase of about $21-$25 per credit hour for nonresident undergraduates.

Graduate tuition also is set to increase between .7 and 6 percent, depending on the campus and students' residency.

The highest tuition hike is for out-of-state graduate students at Missouri University of Science and Technology in Rolla. They'll pay 6 percent more, or about $64 more per credit hour to $1,138.

Required fees for undergraduates in Columbia, Kansas City and Rolla will increase .7 percent.
University of Missouri curators set tuition, fees for coming school year

By Rudi Keller

Wednesday, May 18, 2016 at 10:48 am

Tuition for resident undergraduate students will not change at the University of Missouri but just about every other cost of attending will increase, the Board of Curators decided Wednesday.

The vote on tuition and fees meets the terms of a promise made to Gov. Jay Nixon and state lawmakers in return for a 4 percent boost in state funding for colleges and universities. About 63 percent of the students on the four campuses are resident undergraduates, UM System spokesman John Fougere said after the board vote.

The board voted to increase tuition for nonresident undergraduates and all graduate and professional students. The board also voted to increase a number of fees for technology and other services and supplemental course fees to help pay for high-cost programs.

Required fees will go up 0.7 percent on all three campuses, matching the inflation rate. Increases in student housing and meal costs ranging from 1.7 percent at UMSL to 4.1 percent at MU were approved at a board meeting in February.

UM System Vice President for Finance Brian Burnett was unable to provide figures estimating the additional revenue from the increases. MU Vice Chancellor for Finance Rhonda Gibler last week estimated the Columbia campus will gain $5 million to help offset a $46 million shortfall from a drop in enrollment and unavoidable new costs.

During a discussion of supplemental fees and enrollment fees, some members said they want to consider differential tuition rates — varying rates for each college or school rather than a set rate for all students.

In the College of Arts and Science at MU, students taking high-level courses will pay $35 extra per credit hour, up from $30 this year. The fee is also expected to go up another $5 next year.
“Some of these supplemental fees are going up more than cost of living,” Curator John Phillips said. “Some of them take the place of tuition increases in undergraduate programs because of the size of them.” Under the plan approved Wednesday:

- Undergraduate tuition at MU and Missouri University of Science and Technology would remain $276.20 per credit hour. Tuition at UMKC and UMSL would be $272.30 and $335.50 per credit hour, respectively.
- Nonresident undergraduate tuition would increase 3 percent for all campuses.
- Graduate students who are Missouri residents would pay 0.7 percent more at MU, 2 percent more at UMSL, 3 percent more at Missouri S&T and 4 percent more at UMKC. Graduate students who are not residents would pay 3 percent more at MU, 4 percent more at UMKC and UMSL and 6 percent more at Missouri S&T.
- Professional schools will charge 0.7 percent to 6 percent more, with the smallest increases at the School of Law and College of Medicine at MU and the largest increases at 5 percent for UMKC Law School students in the master of law program and 6 percent for MU College of Veterinary Medicine students.

The increases mirror market rates and are not expected to hurt enrollment, Fougere said.

“Because they are in such high demand, all our campuses feel that in order to meet their costs they are able to charge what they are and still are able to attract the students for those programs,” he said.
- School of Law: 0.7 percent for all students;
- School of Medicine: 0.7 percent for residents, 3 percent for nonresidents;
- College of Veterinary Medicine: 6 percent for residents, 2.6 percent for nonresidents.

Tuition was frozen for in-state undergraduates after Gov. Jay Nixon signed off on the 2017 fiscal year higher education appropriations, which included a performance-based funding boost of 4 percent for all Missouri universities.

UM System Chief Financial Officer Brian Burnett said the curators had discussed the tuition and fee changes in previous meetings, but were waiting for state appropriations to be finalized before approving them.

“We were very pleased and appreciative of the state giving us a 4 percent increase in performance funding,” Burnett said. “It’s good news for Missouri students, undergraduate students across all four campuses.”

MU has to find an additional $45 million for the 2016-17 school year due to an expected enrollment decline of about 2,600 students, MU spokesman Christian Basi said.

About $36 million of the estimated shortfall comes from lost tuition revenue. The remaining $9 million is accounted for through new financial commitments including increased stipends for graduate student workers and funding for the new Division of Inclusion, Diversity and Equity.

The tuition increases are expected to make up $5 million, and the increase in state appropriations will add another $9 million, Basi said.

The remaining $31 million will be made up with savings and by cutting 5 percent from all divisions and academic units.

The curators also unanimously approved supplemental fee increases, but discussed clarifying tuition prices for specific schools in the future.
Course fees will increase by about 3 percent for the College of Agriculture, Food and Natural Resources, the College of Education, the College of Engineering, the School of Health Professions, the School of Journalism and the Truman School of Public Affairs.

Fees for other schools will increase as follows:

- College of Arts and Science: $5 per credit hour
- Sinclair School of Nursing: $6 per credit hour
- Trulaske College of Business: $5 per hour for undergraduates, $6 per hour for graduate students

The required Information Technology and Activity, Facility and Service fees will increase by 0.7 percent.

Curator John Phillips said the supplemental fee increases will replace tuition increases for some undergraduate programs. He suggested considering differential pricing for individual programs to be more transparent.

“I’m hopeful between now and the next time we’re confronted with this, we’ll have alternatives where we can price certain programs appropriately for the cost,” Phillips said. “Otherwise an engineer may be getting a bargain, while somebody in arts and science is perhaps paying more than they should.”

Curator David Steelman agreed with Phillips. He said he had previously opposed voting for the increases until the board discussed differential pricing among programs.

Burnett said he would look into differential pricing before the board’s meeting in December.
More than half of University of Missouri students will not see a tuition increase

COLUMBIA, Mo- The UM Board of Curators met Wednesday morning to vote on tuition and supplemental fees for the fiscal year of 2017.

In a unanimous decision, the board agreed to not raise tuition costs for 63% of the undergraduate student body. This will be the second time in the past three years that resident, undergraduate students will see no tuition increase.

Out of state students will see a 3% increase. For graduate students, it varies. However the lowest amount of an increase is .7%.

Chief Communications officer, John Fougere says that the University has been able to offer quality education at a very affordable price for the past few years and they will try and continue to do so.

Per credit hour, the University of Missouri's tuition is lower than that of the University of Kansas by more than $30. However, Kansas does have something called a compact rate that allows freshman students to have the same tuition rates for all four years.

It was also decided that supplemental fees will be increased varying on the program.

Group sues University of Missouri over $82,000 bill for public documents

By Ashley Jost St. Louis Post-Dispatch, 2 hrs ago
The University of Missouri is at the center of a lawsuit alleging the university violated the state’s Sunshine Law.

The suit was filed Wednesday morning by a non-profit organization, the Beagle Freedom Project, which alleges the university violated open records laws by creating a "discouraging fee structure" and charging upwards of $82,000 for public documents.

The Beagle Freedom Project is a non-profit organization that aims to connect dogs and cats that have been used for experiments with potential homes. In conjunction with the group’s ‘Identity Campaign,’ which gathers information on individual laboratory animals, members of the organization filed public record requests to gather “very innocuous” information about the animals at the university, BFP attorney Ryan Gordon said.

Gordon said members were told the information would cost $400 to $700 per animal.

When the Beagle Freedom Project sent an all-encompassing records request on all 179 cats and dogs, the organization was quoted a price tag of more than $82,000 by the university. The university denied the group's request for a fee waiver.

The request included intake records, transfer records, daily care logs, animal health records, treatment and progress reports, veterinary reports, photographs and videos for all animals.

What the group is asking for should be readily available, Gordon argues, and shouldn't require the time of researchers who charge about $125 per hour.

"These are records they should keep on hand for animal health inspectors," Gordon said.

The Identity Campaign has requested and received similar documents for free from more than a dozen other universities with publicly-funded animal research, Gordon added.
John Fougere, University of Missouri System spokesman, said the university does not comment on pending litigation.

Animal rights group sues MU, alleging repeated Sunshine Law violations

By Alan Burdziak

Wednesday, May 18, 2016 at 4:02 pm

An animal rights group on Monday sued the University of Missouri, alleging it has violated the state’s Sunshine Law more than 200 times and charged an excessive fee of $82,222.33 for records the group requested to learn details about animals being tested for research at the School of Medicine.

Individual members and supporters with California-based Animal Rescue, Media & Education filed 27 records requests with MU between September and December asking for fee waivers. When MU refused the waiver and charged between $400 and $700 for each request, the not-for-profit hired an attorney and filed 179 more requests — one for each dog and cat it believed was being used for testing at the medical school. MU responded with an estimated cost of more than $82,000, according to the petition filed in Boone County Circuit Court.

The lawsuit names the UM System Board of Curators and Custodian of Records Paula Barrett as defendants, alleging they charged massive fees to hide the nature of the testing. MU’s fee breakdown violates the Sunshine Law, the suit claims, because the university charges $4 to $7 per page when the cost should be 10 cents. The university also said it would employ a lead researcher to conduct the necessary research at a rate of $125 an hour. The law requires the public agency to have the lowest-paid, qualified person conduct the required research.

MU’s refusal to comply with the open records law has hurt the not-for-profit group's advocacy and “allowed the University and its faculty and staff to shroud their activities in secrecy, and shield itself from any semblance of citizen oversight of a public and taxpayer-funded institution,” the suit said.

Barrett declined comment and referred questions to UM System spokesman John Fougere, who said university policy is to not comment on pending litigation.
The not-for-profit's Beagle Freedom Project sought the records as part of a program that identifies cats and dogs at public institutions and universities across the country used in medical research and tries to get them adopted once the testing is done. The group uses public records to determine what sort of testing is being done.

Ryan Gordon, general counsel for Animal Rescue, Media & Education, said some of the 18 universities the organization has requested records from have been cooperative while others have not. Those that haven't complied with records requests use several different tactics to keep the information concealed, he said, including claiming that the records are exempt.

“Missouri has been relatively novel in their approach of charging exorbitant fees,” Gordon said.

State and federal laws require the university to keep extensive records of the animals, Gordon said, which means the information likely is readily available and the massive fees are a roadblock to keep the details under wraps.

“I suspect the degree of compliance is related to the offensiveness of the research they’re doing,” he said.

The group has requested records from a number of other universities, including the University of Michigan, Texas A&M University, Michigan State University, Stony Brook University, Ohio State University, the University of Illinois, Purdue University and Wayne State University.

This is the fourth lawsuit Animal Rescue, Media & Education has filed related to institutions allegedly not complying with open records laws, Gordon said, and he expects there to be more.

“I’m confident in our legal position,” he said. “We’ve got a good case. We’ll see what happens.”

Animal rights activists sue University of Missouri over records costs

COLUMBIA, Mo. - The Beagle Freedom Project (BFP), a group of animal rights and rescue activists, has filed a lawsuit against the University of Missouri, claiming the university violated the state's Sunshine Law.
The complaint filed by BFP accused the university of "extorting the public" for documents related to how dogs and cats are treated in experiments. BFP says it has requested records for nearly 180 dogs and cats used in experimentation, and the university has asked for $82,000 to process and release those records.

BFP's lawyer Daniel Kolde told ABC 17 News Wednesday, "It's a big business and they (University of Missouri) have a vested financial interest in keeping their activities secret. By trying to charge us $82,000, what they are attempting to do is circumvent the Sunshine Law and thwart our efforts to expose, lift their veil of secrecy," Kolde said.

According to BFP's complaint, the University of Missouri responded to their records requests with demands of $400-$700 for photocopied documents related to one animal, including a wage compensation of $125 per hour for the copy work.

"We asked for things that should have been available to an inspector immediately upon request on any given day, so there should not have been time required to compile these," said Kolde.

BFP claims such demands are meant to discourage, and violate the Sunshine Law's requirement to grant fee waivers if the records request is in the public interest. The group also alleges the school is trying to block their lawful requests because of a "financially vested interest in thwarting public scrutiny of their practices."

University of Missouri makes new pitch to fill dorms

COLUMBIA, Mo. (AP) The University of Missouri hopes offering convenience and flexibility to would-be dormitory residents lures them away from apartments or other private housing amid enrollment declines.

The Columbia Daily Tribune reports a video posted online by the school promises students can move into a dorm even if they're short on money because their financial aid package hasn't arrived.

That video also pledges that students can cancel their housing contract without charge if studying abroad for a semester or graduating in December.

That comes as latest enrollment projections show the university expects about 1,300 fewer freshmen this fall. Incoming freshmen generally must live on campus.
As head of the residential life office, Frankie Minor says there are about 700 unfilled beds in the 21 residence halls in use this fall.

**THE TIMES OF INDIA**

**Forget dieting, exercise can help you lose weight**

If you are trying to lose weight, better concentrate on not missing your exercise schedule rather than skipping your meal, suggests new research.

Researchers have found that exercise plays a significant role in the fight against obesity by promoting metabolic function and healthy shifts in gut microbes, the microscopic organisms in our intestines that break down food and can contribute to decreased obesity.

"These findings confirm that exercise is an important component of overall health and is critically important in the fight against obesity, especially during the juvenile period," said Victoria Vieira-Potter from the University of Missouri in the US.

The findings were published in the journal Medicine and Science in Sports and Exercise.

"The purpose of study was to look at exercise independently from weight loss and to determine other metabolic benefits associated with physical activity," Vieira-Potter said.

"We aimed to tease out what effects on adipose, or fat tissue, were due to weight loss from diet, and what could be attributed to exercise," she added.

The team divided young rats prone to obesity into three groups to study the impact of exercise on their metabolic function and fat tissue. All of them were fed a high-fat diet. Two of the groups were sedentary while the third group was able to exercise using running wheels.

The findings showed that the exercising rats were metabolically healthier than the sedentary groups and they developed different gut microbes than the other groups, despite eating the exact same amount of food.
"Overall, the exercising rats had higher metabolic rates, were more active even when not running on their wheels and experienced shifts in their gut microbes, perhaps putting them in a better position to avoid future weight gain compared to the other groups," Vieira-Potter pointed out.

Columbia adds one more option for autism treatment


COLUMBIA - Autism prevalence rates are increasing across the board, and a private practice in Columbia is going to add one treatment option in mid-Missouri area.

A full house of people gathered at the office of Therapy Unlimited at John Garry Drive Tuesday afternoon to mark the new speech therapy services it's going to offer.

The practice will start to provide specialized autism treatment for people of all ages starting June 1 to address the growing demand in mid-Missouri. Laura Powell, a speech-language pathologist of Therapy Unlimited, said autism has a wide spectrum of needs.

"It could be really high needs, so kids that are non-verbal need some assisting technology to help them communicate with their loved ones or somebody that may have just some social differences that the therapists can help facilitate meaningful relationship to connect with other people," Powell said.

The diagnosis of autism has increased more than tenfold in the last decade, according to the Missouri Department of Mental Health. A study shows that currently about one in 110 children in the United States suffer from autism.
Connie Brooks, director of health profession division at the University of Missouri Thompson Center for Autism, said there is a need for more service providers in Missouri.

"All across Missouri, especially in rural areas, we find that there aren't enough people doing diagnosis, there aren't enough people who are providing services for individuals with autism," Brooks said.

Brooks said in mid-Missouri, the demand for more services is just as high. "There is wait list everywhere longer than anybody would like."

Powell said as the only private practice in the mid-Missouri area providing autism treatment, Therapy Unlimited seeks to integrate people with autism into workplaces and help them become part of society.

Along with treatment for autism, Therapy Unlimited offers services for people with orofacial myofunctional, articulation and voice disorders.

Lawyer, athletic department address issues brought up in second protest letter

By Blake Toppmeyer

Wednesday, May 18, 2016 at 2:00 pm

The attorney who sent a letter to Missouri Athletic Director Mack Rhoades on behalf of some Missouri softball players said that if Rhoades would have answered the questions raised in the letter, Rhoades and his administration “wouldn’t have had egg on their face afterwards.”

Scott Combs is a Michigan-based attorney who doubles as the softball coach at the University of Michigan-Dearborn, an NAIA school.

Combs said he could not disclose who contacted him for assistance, but he confirmed he’s the lawyer referenced in the second letter of protest from the softball team’s unity council that was emailed to the Tribune and other media outlets Thursday.
That protest letter blasted Rhoades and Missouri’s internal review of Coach Ehren Earleywine and his softball program, a review that’s been ongoing for more than a month. The protest letter pledged support for Earleywine.

The protest letter stated that an attorney — the letter did not name Combs — sent a letter to Rhoades on May 4 on behalf of the unity council.

“I assisted them due to the fact that they felt that they were being intimidated and taken into meetings and coerced and things like that,” Combs said in a phone interview Monday. “I wrote a very simple, straightforward letter to the AD — this was a couple weeks ago — and if he had simply addressed it and answered the very simple questions, I think he would not have found himself in the spot he was in now.

“It’s unfortunate that he chose not to and just brushed it aside. I think it did represent some very, very sincere inquiries by the young ladies, and it’s just really, really unfortunate that he didn’t do anything about this a few weeks ago when he should have. None of this would’ve escalated.”

The escalation began May 7, when a Missouri player distributed a statement protesting Rhoades and the internal review throughout the University Field press box before Missouri’s game against South Carolina. The unity council doubled down on its protest efforts on Thursday.

The athletic department, in a statement sent to the Tribune on Tuesday, confirmed that Rhoades received Combs’ letter on May 4.

“As appropriate protocol, an attorney in the general counsel’s office responded to the letter, and did so in less than 24 hours,” the statement said. “In the response, the attorney for the university made it clear to Mr. Combs he should correspond directly with the general counsel’s office moving forward and the athletic department would share any allowable and pertinent information regarding the on-going investigation directly with the student-athletes.”

Earleywine, who is in his 10th season at Missouri and has his team in the NCAA Tournament for a 10th straight season, sent a text message to the Tribune and other media outlets Friday thanking the players who have supported him but calling for an end to the unity council’s protests. Earleywine also requested that the players’ lawyer stand down until the administration finishes its review and reaches a decision.

To that end, Combs said he’s not representing anyone now.

Combs said that although he knows Earleywine from their paths crossing in the softball world, he’s had no contact with Earleywine throughout MU’s investigation and has not performed any action on Earleywine’s behalf.

The unity council’s Thursday protest letter stated that its attorney’s letter to Rhoades asked whether Earleywine would be back as coach next season. Combs declined to send the Tribune a copy of the letter he sent to Rhoades, saying the letter was confidential.
Combs addressed the brief suspension that Doug Gillis, Missouri’s volunteer pitching coach, received last week before Missouri’s game against South Carolina in the Southeastern Conference Tournament.

Gillis said in a phone interview on Thursday that Tim Hickman, MU’s executive associate athletic director who oversees the softball program, told him on May 10 that he was suspended because of an allegation against him and that he was not to travel with the team on its buses to Starkville, Miss., for the SEC Tournament. Gillis said Hickman did not tell him what the allegation entailed.

Gillis said he drove to Starkville and contacted Combs, who contacted university lawyers and resolved the issue. The suspension was lifted, and Gillis coached at MU’s tournament game last Wednesday.

“There’s absolutely, 100 percent, no improprieties by Coach Gillis,” Combs said. “He was 100 percent exonerated.

“In my discussions with inside and outside counsel for Missouri, it was perfectly clear that there weren’t any allegations. There just were third-, fourth-hand possible suggestions, which had no merit or basis whatsoever.”

The athletic department’s statement on Tuesday said the university “received an unsolicited allegation of potential NCAA rules violations related to Mr. Gillis.”

“The university had an obligation to investigate the issue and insure there were no eligibility concerns or rules violations,” the statement continued. “After the completion of the required review, Coach Gillis was allowed to return to coaching on May 11.”

Gillis and Combs know each other through softball circles. Gillis’ brother, Marc, is on Combs’ coaching staff at UM-Dearborn.

Combs also took umbrage with Rhoades’ approach during a May 9 meeting with players. Rhoades and other administrators met with Missouri players in a meeting at which Earleywine and his coaching staff weren’t present. The unity council’s Thursday protest letter stated it requested to have its lawyer join the meeting via phone but that Rhoades denied that request.

“It just lends some credence to the fact that you’re not really trying to facilitate this or amicably resolve it,” Combs said. “The nature of the meeting was to share information only and inform the student-athletes the investigation is ongoing and involves personnel issues that we can’t discuss at this time,” the athletic department stated Tuesday. “No questions were asked of the student-athletes. An attorney for the university was not present and given the protocol shared with Mr. Combs on May 5 it was not appropriate to involve him in the meeting.”

Thursday’s protest letter also stated that Rhoades denied a player’s request to record the May 9 meeting. According to Missouri’s one-party consent law, players did not need Rhoades’ permission to record the meeting.
“That’s where you’re taking advantage of 18- to 22-year-old students who don’t know anything about the law,” Combs said.

Combs said the university is engaging in a “one-way street” in its stance on recording meetings, because, according to Combs, university officials “made it perfectly clear” that they would not conduct interviews of athletes and coaches as part of the internal review unless they were recorded. Gillis included Combs in his interview as part of the internal review.

The unity council’s protest letters labeled the interviews “interrogations,” accusing interviewers of using tactics of “intimidation and bullying.”

The softball team’s unity council is a team-elected group, selected to be the voice of the team, and includes one member from each class. It consists of senior Sami Fagan, junior Natalie Fleming, sophomore Paige Bange and freshman Jolie Duffner, according to Earleywine.

The athletic department, in a news release issued May 7, about two hours after the first player protest was announced, acknowledged that it had launched an internal review of the softball program after receiving complaints “from both inside and outside the program.”

Rhoades, in his only public comments about the investigation, told KTGR radio Thursday that “allegations of a severe gravity were brought to our attention,” adding that MU has “an obligation to look into those.”

The university this week denied the Tribune’s open-records requests for any documentation pertaining to the internal review; for any notice of allegations sent to Earleywine or his coaching staff; and for audio or transcripts of interviews conducted as part of the investigation. Paula Barrett, the university’s custodian of records, said in an email that the records are closed under exemptions in Missouri Sunshine Law and due to the Family Educational Rights and Privacy Act.