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Articles an affront to dedicated doctors

BY JERRY B. ROGERS, JOHN W. COWDEN, JAMES P ST ANNARD, J.L. REEVES-VIETS
and ROBERT P. ZITSCH II

Sunday, March 6, 2011

As physicians and surgeons who chose to come to University of Missouri Health Care from nationally acclaimed health care systems around the country, we know firsthand the responsibility that comes when patients put their lives in our hands. We take very seriously our responsibility to those patients and their families. That is why we are proud to perform procedures at MU Health Care facilities and are confident that our patients are receiving outstanding, exemplary care.

For us, this hospital system is personal. We know the people who are responsible for keeping operating rooms clean, sterilizing instruments and allowing us to safely and successfully perform thousands of surgical procedures each year. We see the commitment made by MU Health Care staff as they put patient care first in every aspect of their work. We recommend family and friends come here without hesitation, and we do so knowing they are going to receive excellent care.

Frankly, our daily experience over the years bears no resemblance to the bizarre allegations that form the basis of a recent series of articles in this newspaper. Your readers need to know that patients who walk through the doors of MU Health Care facilities receive outstanding, state-of-the-art, safe, compassionate care.

In contrast to our day-to-day clinical experience in the operating rooms of MU Health Care, the articles are based largely on allegations made by a former employee who hasn't worked at MU Health Care since 2008. As physicians, safety is our paramount concern, and we vehemently dispute these allegations. In fact, we can say with confidence that the infection control and sterilization processes here are as good as or better than any of the other fine hospitals where we previously worked.

The pictures of "rusted" surgical equipment make for dramatic visuals, but there is no evidence to suggest that any of the photographed equipment was ever used in any medical procedure. We take personal offense that anyone would even suggest that an operating room nurse would hand rusty equipment to a doctor or that a doctor would accept, let alone use, such equipment. As physicians and surgeons working in the operating rooms of MU Health Care, we use properly sterilized equipment and fundamentally disagree with reports that say otherwise.

Our experience here has been totally the opposite of what is portrayed in the articles. MU Health Care is composed of men and women who dedicate themselves to helping improve the health of the patients we serve. What we see and experience every day is extraordinary, dedicated and professional attention to every aspect of patient safety and infection control.

As clinicians, our focus is on patients; however, facts and data show our surgical infection rates are lower than the national average for hospitals reporting infections to the Centers for Disease Control. We believe in hard data and that our outcomes speak for themselves.

When a newspaper prints articles that wrongfully condemn the care that we and our colleagues provide to our patients, we regard this as a personal attack on our judgment and integrity. We work in the surgical areas of MU Health Care on a daily basis and know that the articles are not a true depiction of the quality of care that is actually delivered here.

Jerry B. Rogers, MD, an MU professor of surgery, is chair of MU's Hugh E. Stephenson Jr. Department of Surgery and of the Operating Room Operations Committee. John W. Cowden, MD, is a professor of ophthalmology. James P. Stannard, MD, is a professor of orthopaedic surgery and medical director of the Missouri Orthopaedic Institute. J.L. Reeves-Viets, MD, is a professor and chair of the Department of Anesthesiology. Robert P. Zitsch III, MD, is a professor and chair of the Department of Otolaryngology-Head and Neck Surgery. All are members of the Operating Room Operations Committee.

Editor's note: The Tribune articles reported the conclusions of inspectors with the U.S. Food and Drug Administration in 2008 and the U.S. Center for Medicare and Medicaid Services in 2010.



PATIENTS IN PERIL?: Years after surgery, struggle continues

By Jodie Jackson Jr.

Jessica Shelton doesn't think for a moment that her son's head infection was a result of a surgeon's error or carelessness.

She just knows that 3-year-old Jailyn Patel was supposed to recover in two weeks after undergoing craniostomosis surgery to reconstruct his skull more than two years ago.

"We have no answers to this day," Shelton said Thursday at her mother's home in Boonville, referring to the infection Jailyn developed in July 2008 after the surgery at University Hospital.

Jailyn was born with a condition that left no "soft spots" in his skull to give his brain room to grow. The reconstructive surgery lasted 13 hours. Shelton said she continues to be impressed with the expertise of the surgeon and his medical team.

But one week after bringing Jailyn home from a two-week hospital stay, the boy developed a high fever. "He was screaming and in pain," Shelton said. Jailyn was rushed to the University Hospital emergency room, "and we were told that he had an infection going on in his head."

Surgery was performed "to have his head reopened and cleaned out to try to get rid of the infection," Shelton said. Jailyn went home two days after the second surgery, "and it happened all over again," Shelton said.

In February 2009, a third surgery was needed to irrigate the inside of Jailyn's head. At that point, Jailyn was losing bone above his eyes from the infection. Bone samples were taken to try to identify the infection, but the infection was never identified and how it got there was never determined.

At a follow-up appointment to discuss how to correct the bone loss, Shelton said she asked what had caused the problem. The surgeon said "the only thing that he could think of would be dirty hardware or instruments in surgery," Shelton said. Her mother and Jailyn's father, J.P. Patel, each confirmed they witnessed that conversation.

Jailyn is scheduled for an upcoming CT scan to determine whether the bone loss has stopped. Shelton said Jailyn will need another surgery to take bone from a rib to replace the lost bone in his skull.

Shelton, 28, said she is worried about Jailyn having another surgery. She's worried about what might happen if he doesn't have surgery. She worries about another infection.

"He's perfectly fine, like mentally and everything," she said as Jailyn curled up on her lap. The stress has taken an extra toll on Shelton, who said she has been diagnosed with an anxiety and panic disorder.

"They don't know where it came from -- how it happened," she said of her son's infection. "I don't understand why they would not know."

Medicaid covered Jailyn's medical costs. The Boonville Eagles Lodge held a benefit to help pay for non-covered expenses.

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PATIENTS IN PERIL?: Ex-employee, hospital at odds

Backues left job after complaint.

At least four University Hospital employees told a federal inspector in May 2008 that they feared retaliation from hospital management if they gave statements about improperly sterilized instruments and reprocessed single-use devices leaving the sterile processing department.



Sam Backues

The concern about retribution was noted in sworn affidavits and the inspection report that resulted from the eight days Food and Drug Administration consumer safety officer Monique Brooks spent investigating a complaint filed by sterile processing employee Sam Backues.

The FDA report found “significant reprocessing of single use instruments” and other issues related to deficiencies in the sterile processing, as Backues had reported. Even after the FDA visit, but before transferring from University of Missouri Health Care to another university position in August 2008, the annual employee evaluation for Backues noted that he was a “role model” in the areas of professional growth and recognizing defective or unsafe equipment.

Two years after Backues left the hospital, he was working as a courier for a local company that delivered medical instruments to the hospital’s sterile processing department. He complained to several state agencies, elected officials and the attorney general’s office because, he claimed, the sterile processing department instructed him to bring “dirty” instruments into the “clean” side of the department. The complaint eventually wound up at the state Department of Health and Senior Services, which conducted a five-day inspection of the hospital in November. Hospital officials point out that the inspection for the Center for Medicare and Medicaid Services was deemed “unsubstantiated with unrelated deficiencies.”

However, those “unrelated deficiencies” — many of which mirrored those found in the 2008 FDA report — resulted in CMS issuing a statement of “noncompliance” with infection control standards for the hospital’s surgery department. A letter to Backues from the CMS regional office in Kansas City stated that unless MU Health Care made corrections, the hospital was in danger of losing eligibility for Medicaid reimbursements.

A statement from MU Health administrators to employees Wednesday said that 10 state health inspectors spent six days conducting that survey, and they “did not find that we were out of compliance” with infection control standards. “They found no improperly sterilized surgical devices or issues with the sterility of our operating rooms,” the statement from administrators said.

State health department spokeswoman Jacqueline Lapine confirmed Thursday that health inspectors conducted a follow-up survey of the hospital in January. A report on that visit is not yet available.

Backues began working for the university in 2005, starting in the custodial department before going to sterile processing, where he earned certification at the hospital’s expense. He transferred out of sterile processing in August 2008 and worked in the bookstore and warehouse before quitting in January 2009.

In his annual evaluation for July 1, 2007, to June 30, 2008, all marks for his job performance indicated Backues was “successful,” “exceeds expectations” or was a “role model.” The evaluation noted that Backues was on the input committee for the new surgical tower.

“Sam is always sharing his knowledge with other staff. ... Sam also puts out very high quality work,” according to the evaluation from supervisor Zackary Riley, who also noted that one goal was for Backues to “get involved with developing or administering/teaching” other sterile processing technicians.

“This is the highest level of performance that always exceeds goals or standards. This rating should be used when the employee always shows extra drive and devotes efforts above and beyond expected job requirements,” the instructions stated about the “role model” designation. “They model and display performance and behavior in a way that all employees should strive for.”

Hospital administrators denied that employees faced retribution or retaliation for reporting patient safety concerns. Chief Operating Officer Anita Larsen stated in a May 30, 2008, signed affidavit that MU Health Care “does not discourage employees from notifying management about problems or defects with medical devices including reprocessing of single use devices.”

But the 2008 report by Brooks indicated that at least a few employees were worried about sharing that sort of information. Operating room “employees expressed their concerns about retribution from management if statements were given,” Brooks wrote. She reported the same concern from employees of the sterile processing department.

“I reinforced the employees’ concerns of retribution with management, specifically to Ms. Larsen,” Brooks reported. “Management responded that is not their practice.”

Backues, however, said he experienced “threats and retaliation” management used “to keep employees quiet about workplace problems.”

He reported problems in the sterile processing department to the hospital’s infection control office on April 10, 2008. Twelve days later, one day after a confrontation with an implant device sales representative over what Backues called “dirty” surgical trays of orthopedic devices, Backues was called into the office of surgery manager Amy Tinsley.

“They insisted the trays were not dirty,” Backues said. “I was told to find a different job.” He received a written letter the next day telling him he was “repeatedly in a defensive attitude about potentially dirty instrumentation.”

Backues refused to sign the letter of discipline. On May 2, he filed an online complaint with the FDA, citing the same issues he had brought to the attention of supervisors weeks earlier.

His union representative filed a grievance on his behalf May 15. Brooks arrived May 21 to begin her inspection. When she talked to Backues that afternoon, he confirmed that single-use devices were being reprocessed. About an hour after Brooks went to another part of the sterile processing department, Backues said he was summoned to the office of Mark Jackson, director of the surgical department.

“He said, ‘We want to talk to you about your employment here at the university,’ ” Backues said.

A grievance hearing was held June 9. On June 26, the discipline letter from April 22 was withdrawn, and he was presented with a new discipline action form for the same April incident, claiming he and another employee had not sterilized instrument trays “in a timely fashion.” Backues provided shift notes and other documents to show that the trays in question were not his to process. The union representative later notified him that the new action form was withdrawn and that the original discipline letter had been reinstated.

The new complaint specified that Backues had been “defensive, harsh and accusatory” toward the orthopedic device representative. The surgical trays needed nearly an hour drying time when the representative arrived at 6 a.m. to pick them up. Backues, who worked the final stage of the sterilizing process, said he had sent the trays back to decontamination — the first phase of the process — because they were still dirty.

Backues admitted that he spoke in a “defensive” tone to the sales representative. The discipline form stated, “The vendor stated he had never been spoken to or treated in this fashion by anyone before, it was one of the worst experiences he has ever been exposed to in a work place environment.”

Backues refused to sign the form that said failure to improve his performance “will result in further corrective action, up to and including the termination of my employment.” In a written

response to the form, Backues said, "Patient safety is simply too important to knowingly let dirty trays go to surgery to be used on our patients."

Backues said his repeated complaints about faulty equipment were ignored. MU Health officials declined to comment on their former employee's statements.

"Out of respect for the privacy of our employees, it's our policy not to discuss personnel matters," hospital spokeswoman Jo Ann Wait said this week. Wait also repeated that MU Health "encourages our employees to report all patient safety issues."

This article was published on page A8 of the Saturday



PATIENTS IN PERIL?: 'Superbug' spurs patient's activism

Jeanine Thomas walks with a limp. Her ankle joint was destroyed by a methicillin-resistant staphylococcus aureus infection — commonly known as MRSA — after surgery to repair a badly broken ankle in 2000.

"I have my leg, so I'm happy with that," said Thomas, 55, of Hinsdale, Ill.

Since then, she worked with then-Sen. Barack Obama to help pass her state's Hospital Report Card Act that requires, among other things, screening of all intensive care unit patients for the MRSA bug.

Thomas slipped on ice and needed orthopedic hardware implanted to repair her ankle. An infection settled in her bone marrow, rapidly leading to an infection in her bloodstream, septic shock and organ failure. She recovered but needed seven more surgeries for bone, skin and muscle grafts.

She also was stricken with clostridium difficile, an often-fatal intestinal infection caused by long-term antibiotic treatment. Thomas said she took a cocktail of antibiotics. The bone marrow infection put her in bed for six months, she said.

Thomas founded the MRSA Survivors Network and a website, mrsasurvivors.org. She now speaks nationally on MRSA and hospital infections and coordinates World MRSA Day every October to raise awareness of the common hospital-acquired infection that she says is responsible for far more deaths than are reported. The infection is one of the so-called "superbugs" that are resistant to most types of antibiotics.

Thomas said she realized she had MRSA by talking to a friend whose mother died of the infection. When she asked her health care providers, they confirmed she had MRSA. "They thought I already knew," she said. "My surgeon didn't tell me. I didn't know how sick I was."

Thomas knows now, and she's on a crusade to inform the public, hospital patients, legislators and the medical community about the problem. She calls MRSA "the biggest epidemic."

"This is a secret and silent killer," Thomas said, noting that in most cases when someone dies as the result of a hospital- or health care-acquired infection, the infection is not listed on the death certificate as the cause of death.

She wants state legislatures and federal regulators to require hospitals to report independently verified infection data. She also aims to see states require that infections be listed as the cause of

death when someone dies of a hospital-acquired infection. Thomas advocates for universal MRSA screening of patients admitted to intensive care units, other high-risk patients and patients arriving from nursing homes.

Thomas also wants MRSA among the hospital-acquired infections that hospitals are required to report.

Working with state legislators and patient safety advocates has been challenging but much less daunting than working to change the medical establishment, she said.

“They don’t want to be told what to do,” Thomas said. “I hear that all the time. ‘We’re the doctors.’ ”

Thomas was a consumer representative on a state board overseeing implementation of the 2005 Illinois Hospital Report Card Act. She’s also an FDA-appointed consultant to an anti-infective advisory committee that is otherwise made up entirely of medical professionals.

She’s speaking out to join the crescendo of voices advocating for patient safety improvements and independent verification of hospital infection reports.

“If you’re doing everything you could have or should have done to prevent these infections, why would you oppose that?” Thomas asked. “Why isn’t there more transparency? This is about patient safety ... It is about saving lives.”

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Doctor's past vexes ex-colleagues

Radiologist leads MU department.

By Janese Silvey

Twenty-five years ago, Kenneth Rall left Columbia under a cloud of controversy after he was accused, and later found guilty, of a scheme that bilked his radiology partners out of hundreds of thousands of dollars.

He returned to work for the University of Missouri School of Medicine in 1998 and has been working his way up. Since then, he's held prominent positions on medical boards and last year was named permanent chairman of the school's radiology department. Then, in January, the Boone County Medical Society named him Doctor of the Year.

Some former colleagues aren't thrilled with the comeback.

"We think it's a travesty," said Chuck Swaney, now a semi-retired radiologist. "Society shouldn't reward people who do that sort of thing with a position of responsibility like that."

Vijay Sadhu, now retired, was one of five partners who prompted the investigation of Rall. He said he was "amazed" Rall was selected for the prestigious award "despite his past history."

In 1986, Rall was charged with embezzling money after his partners became suspicious and hired an independent auditor, according to Tribune archives. One scheme involved check-kiting — or using the lag time between banks to inflate the balance of one account with non-existent funds from another account. Regarding that accusation, Rall testified that he paid back \$928,000, news reports said.

Rall also was accused of writing checks to patients supposedly as Medicaid refunds, even though the recipients weren't owed any money. He then signed those checks over to himself, according to archive reports. It's unclear from news reports whether he repaid that money as well.

In the latter case, Rall faced felony charges that could have stripped him of his medical license and sent him to prison. But the assistant prosecutor overseeing the case said he lost the evidence — original copies of the refund checks — days before the trial. That prosecutor resigned shortly afterward, but without the original evidence, the prosecuting attorney's office settled on a misdemeanor stealing conviction. Rall's sentence included two years of supervised probation and a \$1,000 fine.

Rall left town in the midst of the controversy. When the MU School of Medicine recruited him back, administrators knew about his past legal issues, spokesman Rich Gleba said.

“Dr. Rall paid his debt for this charge more than 20 years ago,” Bob Churchill, dean of the School of Medicine, said in a prepared statement. “He has worked diligently as a physician for more than 50 years to advance medicine in Missouri and beyond and is highly respected by his peers.”

Rall’s university salary is \$560,000, and he oversees the department’s budget. He did not reply to a Tribune e-mail asking how the community could be assured that he’s appropriately handling university funds. When a reporter later called asking for Rall, the call was transferred to Gleba, who confirmed that the doctor had received the e-mail.

“You have our answer,” Gleba said, referring to Churchill’s statement.

A message to the Boone County Medical Society was not returned. Brian Green, a former medical school resident, nominated Rall for the society’s Doctor of the Year award, describing him as a tireless and dedication clinician, teacher and leader.

Not everyone thinks Rall has changed. Sadhu said he resigned from the medical society when he learned that Rall had been appointed its treasurer. And Swaney said Rall has yet to apologize.

“Was there any remorse on his part?” he asked. “Probably not any remorse except for the fact he got caught.”

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UM benefits report expected soon

By Janese Silvey

Saturday, March 5.

A University of Missouri System committee charged with making a recommendation about the future of employee retirement plans has finalized its report and plans to submit a recommendation to curators this month.

It's unclear, though, whether that report will be made public before the Board of Curators' March 21-22 meeting in Rolla. Betsy Rodriguez, vice president of human resources, also said she doesn't know whether curators will take any action on the plan then.

For more than a year, system administrators have been considering changing future retirement packages from the current defined benefits plan, which guarantees a certain amount after retirement, to a contribution plan that shifts the burden to employees and requires them to save.

Former UM President Gary Forsee had hoped curators would take action by the end of December, but he agreed to extend that deadline after hearing concerns from faculty and staff. In November, Forsee created the 18-member advisory committee made up of employees from all four campuses to study the options.

After several meetings, the advisory group reached a decision, although there were a few members who didn't support the recommendation, Rodriguez said. She would not disclose what the group is recommending.

Kelley Stuck, UM's associate vice president for compensation, did give MU faculty a sneak peek at some of the committee's findings during a retirement benefits committee meeting Thursday. The Tribune did not attend but obtained a copy of her presentation.

Regardless of what curators decide, the committee concluded, the university should pledge to keep the current system intact for existing employees. During the months-long review, Rodriguez has been trying to assure faculty and staff that any change would only affect new hires, not their current plans. The committee wants that in writing. That document, the committee agreed, should include the university's commitment to fully fund the current system and keep a stabilization fund to cushion bad market years and keep employee contributions to the plan at minimal levels.

The committee also is recommending a better systemwide communications plan to help employees understand and appreciate their benefits.

At the end of the day, system administrators and the board control the budget and have the final say, said Leona Rubin, chairwoman of MU Faculty Council. That said, Rubin said it would be nice if employees had a chance to look at the final draft before it goes to curators.

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Advisory panel starts work on UM search

By Janesse Silvey

A 20-member panel created to help the University of Missouri System find a new president got strict orders yesterday to keep details of the search process quiet.

Secrecy is required to successfully recruit candidates for the job, said Warren Erdman, chairman of the system's Board of Curators. A breach of confidentiality, he warned, could "result in the loss of candidates, jeopardize a candidate's current employment and jeopardize the search process."

The presidential search advisory committee is made up of faculty, alumni and students representing all four UM campuses. The group met for the first time yesterday through a videoconferencing system. The members spent about 30 minutes in open session before voting to close the meeting to the public for a talk with the university's acting general counsel. Erdman later told the Tribune that discussion mostly revolved around the board's obligation to adhere to the state's open meeting and records laws.

After the meeting, Erdman also clarified a statement he made that left some in the audience scratching their heads. While reading from prepared statements, Erdman had said: "The candidates presented to you have requested complete confidentiality."

When questioned about who was making that request, Erdman said he misspoke and stressed that there are no candidates right now.

"That's not what I meant to say," he said. "What I meant to say is I anticipate candidates will want complete confidentiality."

To ensure that, advisory committee members will be required to sign oaths of confidentiality. Members also were instructed not to talk to reporters and to refer all questions to the university's public relations team.

Advisory committee members are not only going to be involved in interviewing candidates, they're also being asked to participate in the early stages of the process. Members were told to attend at least one of the seven public forums the university is hosting across the state.

That series of town hall meetings began Thursday in Portageville, a southern Missouri town that's home to the university's Delta Center, an agricultural research facility. About 30 people attended the late morning forum, said Betsy Rodriguez, vice president of human resources.

“There were a lot of good comments — not a lot of questions — but lots of comments about how they felt about what qualities a president should have,” she said.

Residents there agreed that a new president should be a strong leader who understands business and also how to work with the legislature, Rodriguez said.

Forums will continue Monday in St. Louis. In Columbia, the public forum is set for 3 p.m. March 14 at the Reynolds Alumni Center.

After the forums, which end March 15, the advisory committee will reconvene to compile the feedback before the curators’ March 21-22 meeting in Rolla. Curators at that time will finalize the qualifications UM wants in its leader.

So far, Erdman is pleased with the start of the process.

“I’ve felt strongly from the beginning that we do this by the book and that we not try to cut corners,” he said. “The appointment of a 20-member advisory board is very important to the process and gives a voice to the many diverse constituents of the university.”

Erdman, who joined the meeting from the Kansas City campus, said he was able to informally chat with four committee members in attendance there after the meeting. “They shared with me that they take this very seriously,” he said. “They were pleased to be representing the various groups they represent and are committed to investing the time and diligence the committee deserves. I feel like we got off to a good start.”

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COLUMBIA MISSOURIAN

UM presidential search committee to hold public forums

By [Victoria Guida](#)

March 5, 2011 | 3:34 p.m. CST

COLUMBIA – The search for a new University of Missouri System president has officially begun.

The UM presidential search committee held its first forum Thursday in Portageville, and the second will be held from 11 a.m. to 12:30 p.m. Monday at the University of Missouri-St. Louis. It will be posted online after the event.

At the forum, stakeholders are invited to share their opinions on qualities the committee should look for in a new president. There will be five additional forums in the next two weeks.

Interim UM System President Steve Owens, who assumed office after Gary Forsee stepped down in December, said in a recent interview that the new president will need a sense of humor, as well as leadership and interpersonal skills and an understanding of Missouri and Missouri residents.

“I don't know that prior association with the state of Missouri or the University of Missouri is a requirement, but it would be a good asset if they have that,” he said.

Warren Erdman, chairman of the search committee, said he does not have any preconceived notions about what the next president will be like.

“I'm looking for the most qualified and the most passionate person,” he said. “I'm less hung up on what their background is and where they came from. I'm more interested in the individual.”

Erdman said the search process will have three stages: developing a consensus among stakeholders about the qualities the new president should have, finding candidates who have those qualities and then narrowing down those candidates to one person.

He said he expects the first period of the process to end April 1, when the search committee will begin advertising the position with qualifications agreed upon by stakeholders. The second period, he said, usually lasts two or three months.

“It depends on how successful you are in finding candidates that meet those qualifications,” Erdman said.

Betsy Rodriguez, UM vice president of human resources, said at the previous Board of Curators’ meeting that presidential searches typically last between six and 12 months.

The Board of Curators organized the presidential search committee and also agreed to hire a search firm at its previous meeting. Erdman said the committee will probably announce which search firm has been chosen on Monday.



Campus Chatter



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Holding out for a hero

By **[JANESE SILVEY](#)**

Reading the [University of Missouri System's](#) wish list for the next president reminded me of that Bonnie Tyler song from "Footloose "

*I need a hero/I'm holding out for a hero 'til the end of the night/He's gotta be strong/And he's gotta be fast/And he's gotta be fresh from the fight/

I need a hero/I'm holding out for a hero 'til the morning light/He's gotta be sure/And it's gotta be soon/And he's gotta be larger than life*

Indeed, the next UM president's gotta be larger than life

So, according to the [presentation made at the public forum at the Delta Center](#) Thursday, here's what administrators tentatively say they're looking for in their next leader (although they're also in the process of collecting input from the public.) I, of course, have a few thoughts of my own.

The system's "Proposed characteristics desired in next president"

1. Understand the university's unique role and mission, and advocate for continual improvement in all four mission areas – teaching, research, service, and economic development

OK, for the next president to actually understand the system, he or she is going to have to stay here for longer than two years.

Former President Gary Forsee, many would and have argued, understood the unique role and mission even though he was a short-timer, and, indeed, was an advocate. I suspect he was a quick study in part, because he was not only a Rolla alumnus but he also worked with the university in other capacities.

The university is a complex beast. For someone to understand it, that person is either going to have to have a background in academics and already understand the importance of research and service alongside teaching or already have some sort of tie to the system or be around long enough to learn.

2. Leverage the institution to advance the state

I have no idea what that means.

3. Tirelessly champion public higher education

Good goal – I know some professors who get tired of trying to justify their work, I'm sure they'd appreciate a tireless champion.

4. Create and sustain a culture that focuses on performance and results

Using a red, yellow and green stoplight colored chart, no doubt

5. Be an effective and compelling communicator

This one is my favorite. While some have credited Forsee as being some sort of great communicator, I never got that. Half of the time, I had no idea what he was saying. Typically, what he was actually saying was shrouded in jargon.

6. Cultivate relationships with multiple constituencies

Including the media

7. Lead with vision

Then stay long enough to carry out that vision

8. Have business acumen

In other words, be smart. And, please, don't use words like "acumen."

9. Demonstrate ability to manage a complex and diverse organization

See No. 1

10. Be a strategic thinker

But please, please, please, don't refer to everything as a "strategic initiative."

11. Instill an atmosphere that reflects strong positive values and integrity

Goes without saying ... or at least it should.

12. Assemble and empower an excellent team of proven leaders and be able to work with a diverse board of curators.

"Proven" ... in other words, the current UM vice presidents want to keep their jobs.

13. Balance work and personal life.

But understand that you're a public figure .. and we're expecting you to be larger than life



MU faculty trying new grievance process

MU faculty trying new grievance process

Associated Press

Posted on March 5, 2011 at 4:38 PM

Updated Saturday, Mar 5 at 7:16 PM

COLUMBIA, Mo. (AP) -- The University of Missouri-Columbia and two other UM system campuses have been trying a new grievance process for the past two years, and will vote soon on whether to make the pilot process permanent.

Critics of the new process say not one faculty member has actually won a case since the process went into effect, according to The Columbia Daily Tribune.

Under the pilot process, a faculty member files a complaint against a superior, usually a department chair or dean, and the panel reviews the case to make sure it fits university criteria. Of the nine grievances filed under the new process, four have been dismissed at this stage.

If a case is accepted, the panel then collects evidence and interviews those involved before making a decision. That's a switch from the former process, which required a grievance officer to collect that evidence and turn it over to an all-faculty panel. The new process lasts about three months; the old system could drag a grievance on for years.

Under both processes, the chancellor has the power to veto the panel's decision. The new model, though, adds an oversight committee to make sure procedures are followed and to track the chancellor's final decision.

Faculty at the University of Missouri-Kansas City and University of Missouri-St. Louis have already approved the plan, and professors on the Rolla campuses voted it down. Three of the four campuses must approve it for the grievance process to be implemented systemwide.

About a dozen Missouri faculty members issued an open letter calling the process "fundamentally flawed" and asking faculty to vote against continuing it.

The most common complaint about the pilot grievance process is that an administrator -- Deputy Provost Ken Dean -- is a member of the three-member grievance panel. Having an administrator on board gives the committee an administrative viewpoint during the review, which some say is an advantage.

However, a recent faculty forum on the topic drew only 15 people.

Lack of interest could stem from a lack of familiarity with the process, said math Professor Stephen Montgomery-Smith.

"When you haven't dealt with it, you assume that everything is fine and it is just a few whiners who are complaining," he said. "But once you do go through it, it is a very painful experience, made more so because people often only learn how loaded the process is when they finally get to the end."

COLUMBIA MISSOURIAN

MU Faculty Council torn over grievance resolution panel

By Andrea Braxton

March 4, 2011 | 3:49 p.m. CST

COLUMBIA – The MU Faculty Council members are divided about whether an administrator should serve on the grievance resolution panel.

The council held a forum Tuesday to hear other faculty members' opinions about the new grievance policy. Instead of being read by the chancellor first, grievances would go directly to a resolution panel with two senior-tenured faculty members and one upper-level administrator for review.

The grievance resolution panel issue stirred up division during a council discussion Thursday. Members discussed it that day even though it was not on the agenda.

"There is a lot about the policy that people really loved," said council member Leah Cohn. "But there is some controversy over whether the administrator should be on the panel."

Cohn said some council members think that having an administrator on the panel would help resolve problems and provide a different perspective on grievance issues. The administrator would also serve as a conduit to the chancellor, who ultimately makes decisions on all grievances.

Council member Leona Rubin said she did not think the input from the administrator would be more influential than the faculty members' input.

Other council members disagreed. In a "Concerns about an Administrator on the GRP," council member Victoria Johnson said the administrator could be seen as an expert, so his or her input would carry more weight. She also said the administrator might be biased toward protecting the university.

The council did not reach a decision, but it will address it at its next meeting on March 17.

University of Missouri president's home raises questions

By JANESE SILVEY

COLUMBIA | At the end of an inconspicuous road that winds behind the University of Missouri's athletic complexes is the house reserved for the president of the university system.

By real estate standards, the home known as Providence Point is a mansion. The 12,630-square-foot dwelling has several dining and living areas, four fireplaces, eight bathrooms, four designated bedrooms and a lot of other rooms that have served as office and exercise space over the years.

A swimming pool in the middle of a large wooden deck and a rooftop patio also are perks at Providence Point. And it's all surrounded by a wooded landscape so as to be unnoticed by sports fans heading to games and events at nearby arenas.

But what some might see as the property's best features, others consider its worst.

The public sections of the home aren't really large enough to hold the kinds of crowds that presidents might like to host, and the way those rooms connect pose some traffic flow problems, interim President Steve Owens said. On the flip side, the formality of the residence doesn't exactly translate into a warm, homey feel.

"Some people believe it's a nice structure, a nice hybrid that can host official functions and also serve as a residence," Owens said. "Others believe that because we've tried to make it a hybrid-type building that does both, we got neither accomplished."

And that wooded privacy? It might turn into spooky seclusion. It also serves as habitat for deer, opossums, skunks and other creatures that have proved to be a challenge for family pets, system spokeswoman Jennifer Hollingshead said.

Bottom line, the next University of Missouri president might not want to reside in the official university mansion.

Owens has started to question whether it makes sense for the university to maintain the president's home.

Gary Forsee, who resigned in January, moved out recently, so now, when the house is vacant, is the best time to analyze the situation, he said.

Unlike the MU chancellor's residence — a nearly 150-year-old structure that has hosted Mark Twain, Harry S. Truman and Eleanor Roosevelt — Providence Point lacks historical significance.

All eight presidents have lived there since it was built in 1971, but it hasn't been host to many notable guests, other than a handful of Missouri politicians. The property also got some not-so-flattering publicity in 2003 when former MU basketball player Ricky Clemons wrecked an ATV there during a party held by then-President Elson Floyd.

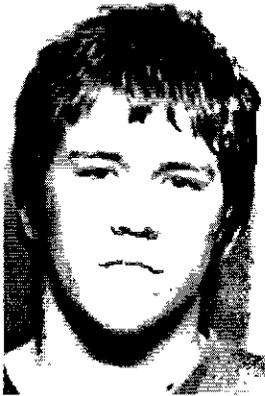
Although the house and a subsequent addition were built with private funds, upgrades and maintenance costs come from the university's budget. Most recently, the Floyds upgraded the kitchen in 2005, and the Forsees added a gate and security system in 2008.

Owens said offering the home to the next president would require some additional maintenance and repairs.

Even if that person doesn't live at Providence Point, the system would still provide some sort of housing allowance, a common practice in higher education, Owens noted. If that were the case, he said, the president's home could be used for some other public purpose or perhaps as a residence for visiting professors who spend a semester or two at MU.

Student accused of breaking into sorority

A University of Missouri freshman is suspected of breaking into a sorority house early yesterday morning.



James Tyra

The incident happened at Kappa Delta, 606 Rollins St., when officers were advised three males had entered the house around 3 a.m., said Columbia police spokeswoman Sgt. Jill Wieneke. One of the suspects was believed to still be in the house at the time of the call, and officers spotted James S. Tyra, 19, of 1306 E. Rollins St. The suspect was attempting to exit through the back door. Officers continued to search for the two other suspects.

Tyra was arrested on suspicion of first-degree burglary but charged with first-degree trespassing. He was released from the Boone County Jail after posting a \$500 bond.



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MISSOURIAN

University of Missouri to announce major donation

Posted: Mar 07, 2011 5:54 AM CST Monday, March 7, 2011 6:54 AM EST Updated: Mar 07, 2011 5:57 AM CST Monday, March 7, 2011 6:57 AM EST

COLUMBIA, MO (AP) - Two former U.S. senators plan to join campus leaders Monday afternoon as the University of Missouri announces what's being called a "major" gift.

Former Republican senators Kit Bond and Jack Danforth plan to attend a 5 p.m. news conference. A university news release says there will be a "major announcement" about a gift to benefit both the university and the state.

Columbia campus Chancellor Brady Deaton and Board of Curators chairman Warren Erdman are also expected to attend.



Professors say ruling was right

Supreme Court favors Westboro.

By **JANESE SILVEY**

The U.S. Supreme Court had to look beyond just the small clan of anti-gay protesters when ruling in favor of Westboro Baptist Church this week, a **University of Missouri law professor said**.

Christina Wells, the Enoch H. Crowder professor of law at MU's School of Law, is a First Amendment scholar who, along with others, filed briefs in the case on behalf of the church's right to protest outside of military funerals.

On Wednesday, the high court voted 8-1 in favor of the Kansas-based church and its right to picket at the funeral of serviceman Matthew Snyder in 2006. Snyder's father, Albert, sued the church's leader, Fred Phelps, and his family for intentionally inflicting emotional distress. Chief Justice John Roberts wrote the opinion and said the First Amendment shields the protesters, known for their signs about God's hatred of America and homosexuals.

Had the court ruled differently, it would have had "huge" implications for the First Amendment, Wells said.

"The facts were straightforward," she said. "The protesters were a long distance away, they weren't noisy or harassing and Snyder didn't see the content of the signs before or during the funeral. So the claim of the funeral disruption rested solely on the fact he didn't like what they were saying. When somebody can sue another person based on the fact they didn't like or were offended or upset by what another person is saying, you open up a huge avenue for people to shut down another person's speech."

Wells said she has no doubt Snyder was legitimately hurt by the words, but when the speech encompasses public interest, such as wars or God's wrath, "it's not enough to say it's hurtful or emotionally traumatizing."

David Mitchell, an associate law professor at MU, understands the desire to protect free speech. In this case, though, he questions whether the Phelps' right to speech trumps the Snyder family's civil rights.

"It's problematic to say on record this is bad behavior, outrageous behavior, yet we sanction it because we think protecting the nature of speech is so important we overlook victims' rights," he said.

Both experts agreed the next legal conflict arising from the Westboro protests will be the challenge of local and state laws restricting funeral protests.

Missouri already had two such laws overturned because they were narrowly tailored, rather than serving significant government interests. Yesterday, the Missouri House voted 142-15 to approve legislation that would make it a misdemeanor to protest within 500 feet of a cemetery, mortuary, church or other house of worship from two hours before a funeral to two hours after the ceremony. Violators would face as long as

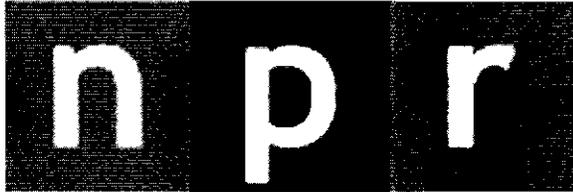
six months in jail. The legislation also would make it easier for people to file lawsuits for the infliction of emotional distress against protesters who violate those restrictions.

Laws are going to have to be content-neutral and not just designed to keep the Phelps family away, or they're likely going to face being overturned, Wells said. And she suspects the courts might have to ultimately decide what constitutes a reasonable distance.

"I think that's what's going to be argued in the next phase — the distance from funerals and conditions," Mitchell said. "That's different than the protection of free speech itself."

The Associated Press contributed to this report

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Parallels Between 2011 Uprisings And 1848

March 5, 2011

Revolutions in the Middle East have inspired many comparisons, but they may look more like the European revolutions of 1848. As University of Missouri professor Jonathan Sperber tells Guy Raz, 1848 — like the modern Middle East — saw a wave of working-class uprisings spurred by frustration with entrenched dictators, high food prices and a citizenry with new access to information.

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GUY RAZ, host:

From NPR News, this is WEEKENDS ON ALL THINGS CONSIDERED. I'm Guy Raz.

In the western Libyan town of Zawiyah, rebel forces appear to have held up troops loyal to Moammar Gadhafi for a second straight day. The capital of Tripoli is still under Gadhafi's control. But in towns across the east, his grip on power is slipping, including in the key oil refining town of Ras Lanuf.

Libya, of course, is our cover story today. In a moment, we'll hear the latest from NPR's Lourdes Garcia-Navarro in Libya.

But first, comparisons, whether they tell us anything about what's been happening in the Middle East these past two months. You've probably heard a lot of them.

Unidentified Man #1: It's 1968 all over again.

Unidentified Man #2: Although I would remember, though, in 1989...

Unidentified Woman #1: 1979, it was...

Unidentified Man #3: 1989.

Unidentified Woman #2: 1979.

Unidentified Man #4: Remember what happened in 1989...

RAZ: 1989, the year the Soviet Empire fell apart. The speed in drama of what happened that year looks a lot like 2011 in the Middle East. But there's another year to consider, 1848. And it was that year when Europe witnessed the largest and most sustained wave of revolutions in world history.

Dr. JONATHAN SPERBER (Curator's Professor, University of Missouri): My name is Jonathan Sperber. I'm the curator's professor of history here at the University of Missouri.

RAZ: Jonathan Sperber has been thinking a lot about the protests in the Middle East lately. He normally spends more time thinking about the 19th century, but he can't help but see the parallels between 1848 and 2011.

Dr. SPERBER: Everyone's heard of the (unintelligible) in Ireland and it affected all of Europe. Food prices were very high and was followed by a recession in 1847.

RAZ: High food prices, a bad economy, an entrenched entitled ruling class, corrupt monarchs, limited social mobility, government-sponsored thugs on the streets. And then you had the rise of newspapers, so information could move from Budapest to Brussels in a matter of hours.

Dr. SPERBER: All sorts of things going on had created this increasing mood that something would have to change in Europe.

RAZ: And as in Tunisia, a single protest sparked a wildfire.

Dr. SPERBER: It starts with the rising in the city of Naples in Southern Italy in January of 1848.

RAZ: The unrest soon spread to a much larger, much more influential country at the time.

Dr. SPERBER: The big event is what happens in France, in Paris.

RAZ: The demand for reform and more accountable government swept through the cities of France.

Dr. SPERBER: In three days, it's street fighting. At the end of February, the monarchy is overthrown. The republic is proclaimed. In 1848, to proclaim a republic meant to proclaim yourself a radical.

RAZ: Now, word travelled fast. This is the beginning of the golden era of rail travels. So, in Berlin, trains from Paris would arrive daily.

Dr. SPERBER: People hung around the railroad station waiting for the latest news from France.

RAZ: The idea that revolutions could occur in France gave Germans and other Europeans confidence to try the same thing.

Dr. SPERBER: That's exactly what happened.

RAZ: The uprising spread all over Europe.

Dr. SPERBER: Major cities like Berlin, Vienna, Budapest, Milan. Riots, demonstrations in Prussia, Austria, Hungary, Denmark, Germany, Italy, very obscure places like the Danubian Principalities of Moldavia and Wallachia, Italian possessions of the Habsburg Monarchy, everywhere. It's the single largest wave of revolution in European history.

RAZ: New governments were established all over Europe, but they didn't last. And within a couple of years, most of the revolutions were defeated and counterrevolutionary forces returned to power. It seemed the status quo was back.

Dr. SPERBER: But when we look ahead a quarter of a century, by the 1870s, there are constitutional governments everywhere in Europe except for the Czars' Empire. And in France, there is, in fact, in the 1870s, once again, a republic. So in the short run, the revolutions are unsuccessful.

In the long run, rather more than one might think. I really hope that it won't take a quarter of a century for revolutionary change to reach the Middle East.

RAZ: That's historian Jonathan Sperber from the University of Missouri. He spoke to us from the studios of KBIA in Columbia, Missouri.