

MAR 14 2011



UM System studies benefits changes

By **JANESE SILVEY**

10:44 a.m. 13, 2011

The **University of Missouri System** should reconsider keeping its current retirement package, but if that's not possible, administrators should offer new employees a combination plan that both guarantees benefits and requires individuals to save. That's the recommendation from a committee of employees from all four UM System campuses.

The report, released yesterday will go to the Board of Curators at its Rolla meeting this month, but curators won't take a vote at that time. UM spokeswoman Jennifer Hollingshead said there is not yet a timeline as to when curators might make a decision.

At issue is the future of the UM System's current retirement package, a defined benefits plan that guarantees employees 2.2 percent based on salary levels and years of services once they hit retirement age. The university contributes 7.25 percent of a person's salary into that plan.

The current retirement fund is fully funded, administrators have repeatedly stressed, but it's risky for the university to take on new liabilities in the coming decades because of a market that is more unpredictable than in the past.

In 2009, former UM President Gary Forsee called on curators to consider changing the plan to a defined contributions plan that would require new employees to save, shifting risks from the university to individuals.

After more than four months of studying the issue, the 18-member advisory committee concluded that curators should take another thorough look at whether the current plan is viable in both the long and short term. If it's not, that group proposes a combination package that still keeps intact some guaranteed benefits while also requiring new hires to invest.

The committee outlined what such plan might look like, although Kelley Stuck, associate vice president for compensation, stressed that the proposal is not a finalized plan, rather just a starting point for board discussion.

Under that model, future employees would be guaranteed 1.1 percent based on salary and years of service, and UM would contribute 3.4 percent of salary. Both are half of what is now offered to employees.

The university also would set up a defined contributions, or savings, plan for new hires that would allow them to contribute more money on a voluntary basis. UM would match as much as 3 percent. That's on top of a mandatory employee contribution — 1 or 2 percent of salary, depending on income level — into the defined contributions plan. Current employees pay that match, too, but theirs goes into the defined benefits package.

It's an unusual design for a retirement package, Stuck said. Committee members came up with the combined plan, she said, because they "felt like it would be fair for the university and employees to share the risk."

Reach Janese Silvey at 573-815-1705 or e-mail jsilvey@columbiatribune.com.

Fighting the system

Going against web of UM administrators tough, some say.

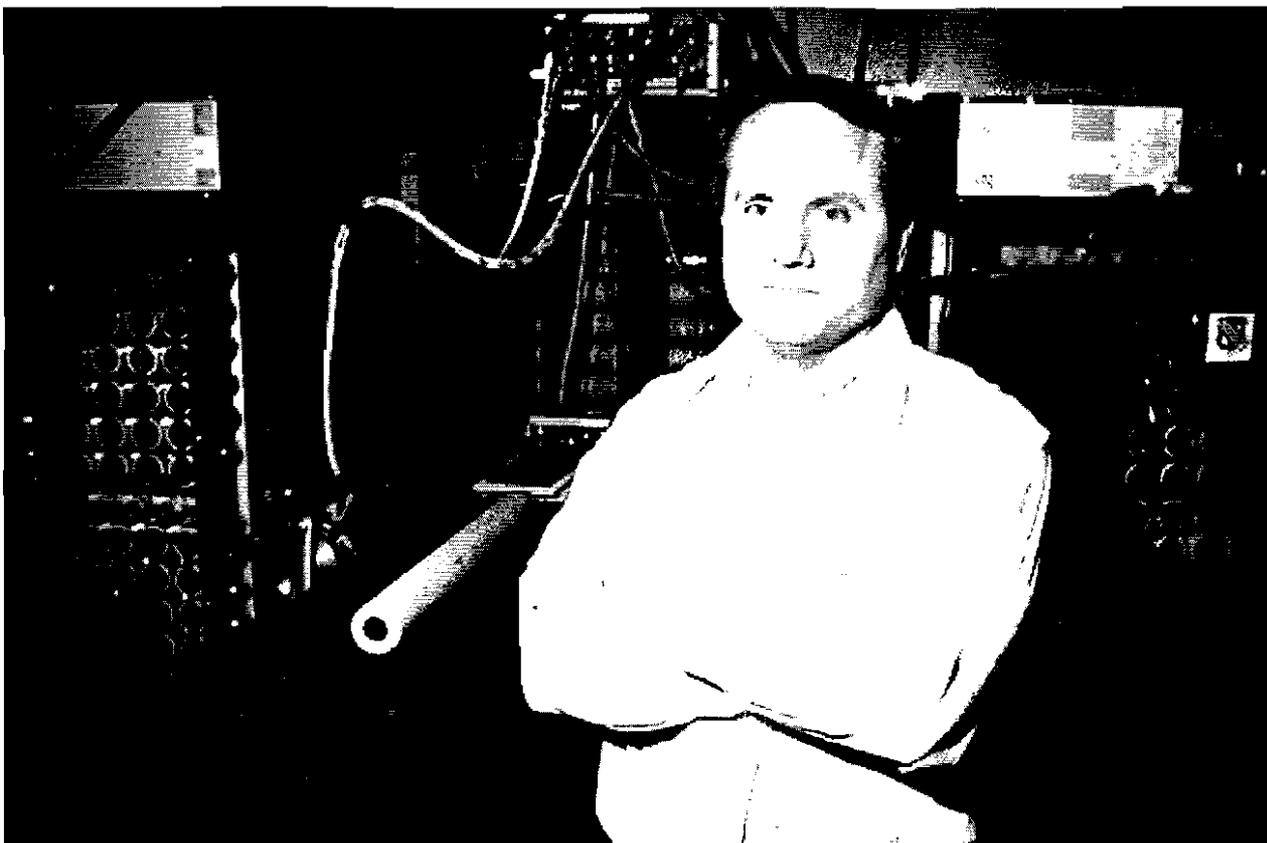


Photo by *Parker Eshelman*. **Buy this photo**

Greg Engel, an associate engineering professor, is fighting with the University of Missouri over a research project, though he hasn't filed a formal grievance.

By JANESE SILVEY

When former University of Missouri staff members complain to attorney George Smith that they've been wrongly fired, he usually tells them to "walk away and don't look back."

Faculty members protected with tenure? Well, that's a different story. They have the resources to take on the "3,000-pound gorilla," Smith said.

That gorilla isn't just the campus and university system network of administrators. It also includes a web of internal and external attorneys ready to go to bat.

But that's not why higher-ups aren't scared of a court battle. They're not intimidated by threats of litigation because administrators are trained to follow the rules and are typically in the right, Deputy Chancellor Mike Middleton said.

"We're not interested in making decisions that are unsound to avoid potential lawsuits," he said.

And if you do sue?

"I hope you lose, and I fully expect you to lose because we're not making bad decisions," Middleton said.

Before a complaint becomes entangled in court, though, the university has a process in place to try to resolve problems. The so-called grievance process now used at MU is a two-year-old pilot project. Faculty members will vote, likely next month, on whether to make that system permanent.

Some professors, mostly members of the American Association of University Professors, or AAUP, are against keeping the process, saying it gives administrators an unfair amount of power.

But many didn't like the last process either because the chancellor had the power to veto the grievance committee's decision. That's still the case.

As long as Chancellor Brady Deaton has the last say, no grievance process will work, said Greg Engel, an associate professor who feels he has been wronged but won't file an internal complaint because he thinks the process is a joke.

Eddie Adelstein, a longtime university faculty member, has suggested the university just do away with the grievance process and instead allow faculty to set up a legal fund to help professors fight the system in court. That's where most grievances end up anyway because the internal process is so flawed, he said.

ANGRY PROFESSORS

To understand campus grievances, it's important to understand the dynamics of faculty at MU.

Faculty Council is the official faculty committee. It's made up of professors who are elected by their peers to represent the various departments on campus. The group is not a union; rather, it's a body that ensures university administrators are sharing governance with faculty, said Clyde Bentley, the council's vice chairman.

"It's to our benefit to work with administrators, yes, but also our charge is to defend and protect the position of faculty in this overall university system," he said.

Then there's the AAUP, and the extra "A" could easily stand for "angry."

The group is made up of professors who, at one point or another, have found themselves at odds with administrators. The roster includes Adelstein, an outspoken critic of administrators; Engel, the engineering associate professor who's fighting with the university over a research project; and Galen Suppes, a chemistry professor who was trying to go through the grievance process when the university sued him a day before his hearing.

Some on campus view the AAUP as a rabble-rousing group. Members, though, say they're fighting for basic rights and on behalf of a silent majority of frightened worker bees not protected by tenure.

Others have come to the AAUP to seek help when they feel they've been wronged.

One former MU employee, not ready to share her story publicly, said the AAUP was the only group sympathetic to her situation while other colleagues shunned her for speaking out against the university.

After all, fighting the UM System takes not only more money than most want to spend; it also takes guts. Those who have gone through legal skirmishes with MU administration are often painted as the campus' problem children and are usually blackballed by colleagues or pitied by peers.

Not all disgruntled employees or former employees are involved in the AAUP, though.

Gary Maddox was fired in May as director of the Law Enforcement Training Institute, part of MU Extension. His termination was the result of an anonymous letter complaining about a commencement ceremony he led that included a prayer and a couple of off-the-cuff remarks.

Maddox filed an internal grievance after administrators pulled the plug on a severance package MU Extension was prepared to offer. Maddox later was told his grievance was incorrectly filed under the faculty process and that he would have to restart the process under the staff grievance system. He has yet to hear a decision.

Maddox is prepared to sue.

"Do I want to expend the time, energy and money to file a lawsuit that should never have to be filed? No," he said. "But I am a fighter. If I make a mistake when I'm wrong, I'll admit that I'm wrong. But when I get rabbit-punched, I fight back."

But administrators, you'll recall, aren't scared of a lawsuit. Smith, the attorney, suggests higher-ups even invite litigation.

"The administration does not want a grievance process, but they are required to have one," he said in an e-mail to faculty members that has been widely circulated. "They want grievants to have to sue. They know the power and unfair advantage they hold."

The university, undoubtedly, has the advantage when it comes to litigation. In addition to nine UM System attorneys — not counting General Counsel Steve Owens, who's filling in as system president — the system has a financial edge.

In the past three years, UM has spent more than \$3.65 million on outside law firms to represent it in these types of cases, which don't include medical malpractice suits. Outside counsel costs spiked in 2009, with the system spending \$2.06 million on non-university attorneys, but the amount decreased in 2010 to \$543,500. The latter number is about a third of the general counsel's 2010 payroll for in-house attorneys totaling roughly \$1.6 million.

The UM System would only provide aggregated amounts for litigation, both pending and closed, and denied the Tribune's request for a breakdown of outside attorney fees on open cases.

Currently, the system is involved in five pending cases with MU faculty members.

Administrators would rather not have the expenses and animosity that result from litigation, Middleton said. But he repeatedly said they're prepared to fight when they think deans and chairs are justified in their actions against faculty.

"The threat of litigation should not make them back off from doing the right thing," he said.

A POINTLESS PROCESS?

Engel is the associate engineering professor whose research in electromagnetic engineering snagged MU a \$2 million earmark. Administrators in early 2010 accused him of not taking necessary steps to move that project forward, and his superiors replaced him as the leader of the project.

He has since been involved in a number of skirmishes: He has had his teaching assignments taken away, and his colleagues filed a faculty irresponsibility charge against him.

Engel continues to conduct research on campus, though he admits to working in a hostile environment.

"I don't walk away, because that's what they want," he said. "They're abusive people, and they're going to continue abusive acts until you call them out. Bottom line."

But Engel hasn't filed a formal grievance against his administrators because he thinks it's pointless. The three-member grievance committee can make whatever recommendation it wants, but at the end of the day, it's only a recommendation.

"The chancellor makes the final decision," Engel said. "So the decision, in my mind, is already made. It doesn't matter what the committee recommends."

Chancellor Deaton has agreed with all of the panel's findings under the new grievance process, but that's likely because all of the findings have been in favor of the university.

And that, some say, is because an administrator now sits on the grievance panel.

The grievance process now being used works like this: A faculty member files a complaint against a superior, and the panel reviews it to make sure it fits university criteria. Of the nine cases considered, 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.

The administrative position was added to the grievance panel in hopes of giving the chancellor more insight into a decision and to have someone with authority involved.

Previously, a five-member faculty panel served as the grievance committee. Bentley, the Faculty Council vice chairman, served on a couple of those.

"The frustrations on the panel before were because we had another life," he said. "We were professors who wanted to research and teach, and we have a whole infrastructure of administrators whose job is to take care of personnel issues and who are very knowledgeable about the rules. We're sitting there thinking about how soon we can get back to our classrooms and wondered why we didn't have paid staff to take care of a portion of" a grievance. "Having someone who at least knows some of the rules helps."

The question of whether an administrator should serve on the panel is complicated by the fact the current member is Deputy Provost Ken Dean, who's also an attorney.

Victoria Johnson chairs an oversight committee charged with making sure grievances are conducted properly. She worries that having an administrator on the committee — especially one who's a lawyer —

shifts the discussion. Johnson — an associate professor of sociology who studies power balances — believes, in this case, power is shifted to the administrator who's assumed by other members to be the expert but who also is paid to represent the university.

But the reasons Johnson is concerned about the administrative position are the same reasons Middleton supports having Dean in that seat.

He can't fathom why anyone would want a panel that doesn't include someone with expertise, especially in legal matters.

"Are you suggesting we want somebody who doesn't know about legal documents and the laws governing this university to be on this panel? I don't buy it," he said.

Johnson also questions what will happen if Deaton ever is the subject of a formal complaint. Unlike tenured faculty, administrators are under the chancellor's authority and rely on that person for salary raises and promotions.

That Middleton gets.

"Ken or myself would be less willing to rule against Brady Deaton — I understand that," he said.

He suggests adding a paragraph to the grievance policy that clarifies that if that were to happen, a UM System administrator would be asked to fill that administrative seat.

Johnson, though, thinks a fairer process would resemble what has been used for years on the St. Louis campus. There, she said, an administrator serves as a grievance officer to try to resolve issues. If a problem can't be settled that way, it then goes to an all-faculty committee.

Faculty at UM-St. Louis, though, recently voted to replace that system with the process being piloted at MU.

The UM System is asking all four campuses to adopt the same grievance process "in order to treat all faculty consistently and fairly without regard to the campus on which they are employed," Steve Graham, UM vice president for academic affairs, said in a statement.

Having a standardized grievance process systemwide also "enables university attorneys providing legal advice concerning the academic grievance procedure to do so without having to analyze and advise concerning a different academic procedure for each campus," Graham said.

MU is the last campus to vote on the process. Kansas City OK'd using the pilot grievance process, but those on the Rolla campus voted against it. That means it's up to MU to decide the fate of the process.

Faculty Council Chairwoman Leona Rubin this month held a forum for faculty members to talk about whether they want to continue using the system. Fifteen people showed up, most of whom were council members or members of the AAUP.

The forum was a "dismal moment in university history," said Karen Piper, an AAUP member.

"There was hardly anyone there, suggesting that faculty are not invested in this issue," she wrote in a letter to the Tribune.

Piper went on to say it's "an embarrassment to this university that faculty who have been injured by bad bosses (including being sexually harassed) have no options for justice or remediation outside of the court

system. ... Perhaps the university knows that they can out-pay any faculty in a court of law, so they want cases to end up there. But as the head of the Diversity Committee in English, this is extremely unsettling. Shouldn't the university at the very least be embarrassed that there are no real internal protections for women who are sexually harassed? It is an issue that women should care about, as well as minorities, who are more often targets of bad policy or bad bosses than others — and who often do not have the money for a prolonged lawsuit."

Bentley thinks the new process is better than the old one, a lengthy process he compared to a quasi-trial.

Ideally, a grievance "is something that happens well before you go into court and keeps you from going to court," Bentley said. "You have systems aimed towards getting something into court, or you can have systems aimed at trying to resolve something."

The purpose of the new process is to provide an evaluation to see if a resolution can be found and more quickly allow for litigation, if that's where a case is headed, Bentley said.

"To me, this may not be perfect, but it's better than what we had," he said. "It gives you a fighting chance that you might actually see some resolution rather than just clearing the way for a court battle."

'IT'S WHO THEY ARE'

Smith is one of the few Columbia attorneys willing to take on the system.

That's because he has been there. Smith was on the faculty in the College of Agriculture, Food and Natural Resources for 12 years. Then he defended a colleague an administrator was railing on at a faculty meeting.

"I spoke up and called it a lynch mob," Smith said. "That was the first day of the rest of my life."

Not tenured, Smith soon found himself out of a job. Even though he eventually won a settlement, Smith knows firsthand the toll a fight against MU can take.

"I counsel people on that," he said. "I say, 'If you have a spouse or significant other, this process will test that relationship.' I can't say that I lost my 20-year marriage because of my grievance, but I can't say it didn't play a factor in it."

Smith used his settlement money to help him earn a law degree at MU. He then set up a practice to help others who find themselves in the situation he was in.

"I do this to show them there are consequences and so other people don't get treated this way," Smith said. "When you're in a career and have gone to school for years and are trained in a highly selective area, then suddenly you're told by some administrator, 'We don't want you,' you can't just walk away. They can't walk away. It's in their blood. It's who they are."

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UM to host forum on search for president

Published: 11/19/2019 11:00 AM

Residents will have a chance Monday to tell the **University of Missouri System** what they would like to see in the next system president.

The university's Presidential Search Committee is hosting a public forum at 3 p.m. in Columns Room 208 at the Reynolds Alumni Center. It's expected to last about 90 minutes.

The UM System has been on the hunt for a new leader since Gary Forsee resigned in January. A search firm, Greenwood/Asher & Associates, has been hired to facilitate the process.

Columbia's forum is one of seven being held around the state about the search. During earlier meetings, administrators have presented a snapshot of UM's statewide mission before allowing time for questions and comments.

Monday's forum will be recorded and later posted to the UM website, www.umsystem.edu, and it will be live tweeted by the university's @umprezsearch Twitter account.



House readies final changes to state budget

Senate action still unknown.

By **RUDI KELLER**

Published: May 3, 1991

JEFFERSON CITY — The House Budget Committee will make its final changes to the \$23.2 billion state budget for the coming year while awaiting Senate actions that will determine whether there is money to meet the promises that spending plan will make.

A proposal to use \$189.7 million in federal education funds easily passed the House, but conservative lawmakers have announced their intent to filibuster the bill in the Senate. If the bill is not passed, the money reverts to the federal treasury for distribution to other states and public schools facing funding shortfalls this year and next.

The House will write its budget on the expectation that the Senate will pass the spending bill, said House Budget Committee Chairman Ryan Silvey, R-Kansas City. "The House position is pretty clear," he said, referring to the 152-0 vote that sent the bill to the Senate. "If the Senate wants to change that substantially, they will have to take steps to balance the budget," Silvey said.

The budget for the coming year cuts spending for colleges and universities by 7 percent, with the **University of Missouri** slated for a \$29.9 million cut, to \$398 million. Committee amendments so far have added \$42 million from the Missouri Higher Education Loan Authority to support scholarship programs, \$12 million more than Gov. Jay Nixon planned for the agency to provide.

Changes made by the committee so far eliminate funding for public radio and cut \$1.4 million from arts and humanities funding.

Silvey has added restrictions on the use of agency funds to support staffing and travel by statewide officials. The committee is targeting Nixon's use of agency funds for travel, and the budget plan gives Nixon's office a \$500,000 funding boost for travel needs.

Those changes, which have a political message behind them, aren't expected to be challenged by Democrats. Silvey said he sees few immediate big issues facing his committee when it meets this week. "We aren't looking at any \$50 or \$100 million problems," he said. "There may be some small changes in priorities, but no seismic shift in the bills."

The supplemental spending bill, which includes the education funds, passed the Senate Appropriations Committee almost two weeks ago on a 7 to 2 vote. But it has not been debated on the Senate floor, where Sen. Jim Lembke, R-St. Louis, and other conservative lawmakers have vowed to block it.

The bill uses \$24 million to replace a shortfall this year from taxes on casinos, cigarettes and insurance premiums. The remaining \$165 million is set aside for use in the coming year.

Sen. Kurt Schaefer, R-Columbia, the chairman of the Senate Appropriations Committee, said there is time to work out the issues on the bill. "If we have some senators who want a little more clarification, it is fine to take the time to have that discussion," he said.

The federal education funds would allow the state to maintain the foundation formula, the state's basic aid program for public schools, at \$3.004 billion in the coming year. Although general revenue to the state is growing again after two years of decline, estimates do not hold out hope that increasing tax collections would cover the loss of the federal money.

If the Senate can't pass the bill, "that amount would then be, absent another funding source, a shortfall in the funding formula and lead to a substantial reduction in funding to 522 school districts," Schaefer said.

The state doesn't have the money to replace a loss, he said. "In a budget this tight already experiencing across-the-board cuts, there are relatively few places for that to come from," he said.

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Per-student revenues decline

State ranks 49th in higher-ed funds.

By Staff Writers, Staff Writers
Columbia Daily Tribune, March 12, 2011

NO MU MENTION

JEFERSON CITY (AP) — In recent years, Missouri has cut aid to colleges and universities and held down tuition increases while the number of students has risen. The result is that Missouri has seen one of the largest declines nationally in per-student revenues for higher education.

Missouri's total available revenues for higher education institutions declined by 12 percent on a per-student basis from the 2005 to 2010 fiscal years, according to a report released this week by the State Higher Education Executive Officers, a national association for the CEOs of state higher education coordinating boards.

That was the second-largest decline nationally, behind only a 13.4 percent drop in New Mexico.

The association's revenue figures include money available both from state aid and student tuition.

Missouri Higher Education Commissioner David Russell said yesterday the report reflects economic realities.

"The desire to adequately fund higher education exists, but the means to do it is lacking," Russell said in a written statement. "Institutions are educating more students with fewer resources, and that is likely to continue to be the case until new sources of revenue are identified or the economy recovers."

Democratic Gov. Jay Nixon and Republican legislative leaders all have ruled out tax increases, meaning Missouri is unlikely to gain any additional revenue sources in the near future.

Public colleges and universities are nearing the end of their second-straight year of a tuition-freeze agreement brokered by Nixon. The institutions agreed to hold tuition flat in exchange for being spared cuts in basic state aid last year and for receiving no more than about \$50 million of reductions in state aid during the current academic year.

With the agreement expiring, state aid is expected to be cut further for the coming school year, and many institutions already are making plans to raise tuition. Some schools, for example, expect to seek a waiver from a state law capping tuition increases at roughly the rate of inflation.

Nationally, per-student revenues available for higher education institutions rose an average of 3.4 percent during the past five years, according to the report. Missouri's ranking of 49th was two spots lower than Kansas, which had a 7.8 percent decline.

But many of Missouri's other neighbors increased their total per-student higher education revenues.

Oklahoma's 24.9 percent increase ranked second behind only a 28.4 percent increase in Texas. Illinois and Arkansas also ranked in the top 10 for their five-year increase in per-student higher education revenues.

"Missouri is standing out from the rest of the country," said Kathy Love, a spokeswoman for the Missouri Department of Higher Education. "It can be good, or it can be bad — it shows there's insufficient resources for higher education but that colleges have been keeping their doors open for students in spite of the recession."

Over the past five years, Missouri's per-student funding for higher education institutions fell 10 percent while enrollment grew nearly 18 percent at public colleges and universities, the department said.

COLUMBIA MISSOURIAN

Missouri higher education revenue per student 49th in nation

NO MU Mention

By DAVID A. LIEB/Associated Press

March 11, 2011 | 9:22 p.m. CST

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COLUMBIA MISSOURIAN

MU Groups work together on One Mizzou program

By Andrea Braxton

March 11, 2011 | 12:54 p.m. CST

COLUMBIA – A diverse group of MU students and administrators are affiliated with the One Mizzou initiative, yet they share the common goal of promoting respect.

The hate crime at Hatch Hall on Feb. 12 spawned the idea for One Mizzou, although the program is more than a reaction to racial slurs. It is a student-led initiative dedicated to respecting and celebrating all types of diversity on campus, said Eric Woods, president of the Missouri Student Association.

Woods said the program responds to a growing demand from students to have a way to discuss diversity with each other. It launches in April, Woods said, and he hopes it will have a sound foundation by the end of the semester.

"The students didn't want statements or articles," he said. "They wanted the opportunity to talk to each other about these issues."

The students and administrators plan to make the program a lasting Mizzou tradition through such initiatives as pledge banners, online diversity training and a summer welcome program, Woods said.

He listed organizations that have signed on: the Missouri Student Association, the Graduate Professional Council, the Asian American Association, the Legion of Black Collegians and many others. They want One Mizzou to show people that the student body isn't intolerant of differences, he said.

"There's a need to demonstrate how serious a commitment we have to accepting one another and embracing diversity," Woods said.

Residential Life Director Frankie Minor said he is excited that One Mizzou is led by students. He said the administration is playing a supportive role so students can speak with the loudest voices as the largest group in the MU community.

Kristofferson Culmer, president of the Graduate Professional Council, said the program provides a great service to the community. Culmer said diversity is important to him as an international student and a racial minority, but it is much more than race and culture.

Diversity can include intellect, talent and much more, and it should be important to everyone, he said.

“I believe that men and women are created equal,” he said. “But we’re also created different. Differences aren’t a crutch. They strengthen us.”

Different people working together present a variety of ideas and perspectives, said Residence Hall Association President Lauren Thomas.

This will result in a program everyone will be proud of, Thomas said.

“If it were just a few groups trying to accomplish One Mizzou’s goals, I don’t think the product would end up as good,” she said.

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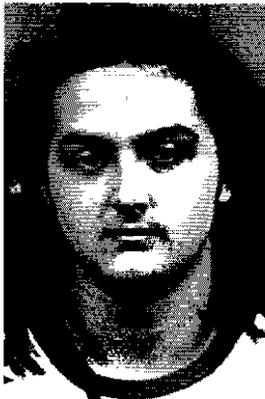
MU student charged in graffiti incident

By **JANESE SILVEY**

Printed May 11, 2011, 1:34 PM

Updated from 11:01 AM on 5/11/11

The University of Missouri student who has been suspended for allegedly painting a racist slur on MU property is now facing a felony charge.



Benjamin Elliott:

Faces felony charge

Benjamin Elliott, 18, of Rolla was charged yesterday with second-degree property damage motivated by discrimination.

Assistant Prosecuting Attorney Ryan Haigh said he decided to pursue the hate crime enhancement because of the "nature of the property damage and what the defendant chose to spray. In our mind, that speaks to the motivation of the conduct."

University police arrested Elliott on Feb. 12 after officers linked him to graffiti painted on a statue outside of Hatch Hall discovered earlier in the day. The graffiti included the word "nigger."

Elliott is being represented by Jeff Hilbrenner, an attorney with Harper, Evans, Schneider & Netemeyer, according to Missouri's online court record system. Elliott waived arraignment yesterday. A preliminary hearing date has not yet been set.

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