

CITY

Trashing a Career

UDC officials can't quite explain why they wrecked Dr. Jafar Vossoughi's lab. They'll soon find out what a life's work is worth.

BY BRENDAN L. SMITH — MAR 6, 2009 12 AM



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After attending an academic conference, Dr. Jafar Vossoughi returned to his research laboratory at the University of the District of Columbia and found the door open, leading to a trail of wreckage that would spell the end of his long academic career.

Most of his highly regarded work in biomechanical research was gone. A device that replicated the twisting of a beating heart was destroyed, along with 18 other unique scientific instruments he had designed. Lab equipment was broken and tossed in the trash. Unpublished research data and class materials for 21 engineering and architecture courses were missing.

The scene from February 2000 looked like a massive act of vandalism, and indeed it was. The perpetrators, however, weren't angry students or juvenile delinquents. Court records describe it as an inside job by university officials involved in a bitter tenure dispute with Vossoughi. For its part, UDC isn't denying its culpability in the lab's destruction; rather the wrangling is over how much the former professor should be paid.

Nine years later, the university and the D.C. government are facing a huge bill that keeps growing. The D.C. Court of Appeals recently upheld a \$1.65 million jury award handed down in 2005 for Vossoughi in his lawsuit against UDC. The three-judge panel shot down all of the university's arguments for a new trial and blasted UDC in its unanimous decision.

"This was an unusual case. The jury reasonably could find that UDC tortiously destroyed much of Dr. Vossoughi's life's work—intellectual property created and accumulated over decades—and ruined his professional career," the Jan. 15 decision stated. "The jury's award may seem high to some (and clearly it does to UDC), but it is supported by admissible evidence and untainted by legal error."

UDC has filed a request for a second appeal that has very little chance of success. Meanwhile, interest is accumulating on the jury award. UDC and the D.C. government, which is self-insured, are now on the hook for close to \$2 million.

The timing couldn't be worse. The D.C. Council already has slashed more than \$100 million from the budget and is facing an \$800 million revenue shortfall next year. At UDC, students have mounted protests regarding recent tuition hikes that will almost double the cost of attending the only publicly funded university in the District.

The increase comes in the midst of a recession and at a time when outdated and crumbling facilities are in obvious need of repair. If UDC is forced to pay the jury award from its general operating fund, needed infrastructure upgrades could be hampered.

"Certainly that is the potential," says UDC spokesman Gustavo Paredes. "We're trying to make any guarantees that it won't impact the quality of the education, because that's our first priority."

Vossoughi says UDC officials were motivated by jealousy and revenge after he sued the university in 1999 over a contract dispute.

"I filed the lawsuit, and they retaliated and destroyed my lab," he says. "I was doing an excellent teaching job. They were jealous and didn't like it. I was internationally known at that time."

Vossoughi, who has written or edited 17 books and published more than 150 research papers, is now 61 years old and lives in Olney, Md. He has been unable to find another academic job and has started over with his research at a time when many people his age are looking forward to retirement. When he speaks about UDC, his tone says as much as his words; the past is still alive for him.

"They destroyed everything," he says. "It is a trash place, no teaching involved.... Most professors don't teach. They don't go to classes."

After immigrating to the United States from Iran more than 30 years ago, Vossoughi spent decades in his lab becoming an expert in experimental biomechanics. The highly specialized field involves creating devices that measure the properties of biological materials such as skin, flesh, and bone; the devices and resulting research inform the ways some ailments are diagnosed and treated.

At Catholic University, Vossoughi earned a bachelor's degree in mechanical engineering, a master's degree in civil engineering, and a doctorate in applied mechanics.

He began teaching engineering courses while still an undergraduate and continued teaching as a graduate student while also conducting independent, grant-funded research.

In 1989, Vossoughi left Catholic University, taking his research to UDC, where he was hired as an adjunct associate professor. Vossoughi won't say why he took the position at UDC, which offered a relatively paltry \$62,000 annual salary at a university not widely known for its science programs.

While at UDC, Vossoughi obtained three National Science Foundation grants totaling almost \$250,000. The grants helped fund projects including an international conference on cardiovascular medicine, a biomedical engineering conference, and an expansion of UDC's engineering research with an emphasis on training minority students.

The working relationship began to sour in 1995, when UDC administrators told Vossoughi his employment would need to be funded by grant or contract funds. In December 1997, his final teaching appointment ended, although he says he was allowed to continue his research on campus on his own or through grants he obtained.

At the time, UDC almost imploded during a financial crisis that has had lasting reverberations. In 1996, a cash-strapped D.C. government demanded that UDC repay a \$6.75 million deficit or lose financial control of the university. UDC's board of trustees responded with drastic measures, including delaying the opening of fall classes by six weeks, shutting down the entire university for a month in the summer, and nearly doubling tuition.

UDC administrators also terminated the appointments of 125 faculty members, an academic bloodbath that caught the attention of the university's accrediting agency. UDC was placed on warning status in 1997 after an accrediting team found "the academic climate and classroom instruction is perilously close to falling below the minimum quality level."

The severe cutbacks closed the deficit but struck a serious blow to UDC's reputation and its enrollment, which in one year plummeted from nearly 7,500 students to fewer than 4,800. A decade later, UDC still hasn't fully recovered; it currently has fewer than 6,000 students.

In 1999, Vossoughi sued UDC, claiming the university had breached his former employment contract and reneged on a promise to give him tenure.

That's when the wrecking ball started to swing.

In letters and phone calls to Vossoughi in 1999, Beverly Anderson, then the acting provost, demanded that he clear out his lab on the B level of Building 52 because the space was needed for other academic programs.

At Vossoughi's trial, Anderson testified that UDC general counsel Robin Alexander had asked her not to evict Vossoughi while they were negotiating an end to his lawsuit. Anderson persisted anyway, sending another letter to Vossoughi in November 1999, telling him to get off campus, according to court records.

"There was an undercurrent of inexplicable tension between the provost's office and Dr. Vossoughi," says Jonathan Dailey, Vossoughi's attorney. "He never understood why they had such animus for him."

Vossoughi thought the eviction was on hold during the settlement negotiations. He had obtained a grant in 1998 to continue his research through 2000 at UDC; the grant application had been signed by Anderson, according to Vossoughi's appeal brief. UDC had even agreed to reimburse Vossoughi for his travel expenses for an academic conference in February 2000. While he was gone, UDC personnel and a contractor cleared out his lab. Vossoughi's photos of the damage were presented at the trial and "show a laboratory stripped of virtually all its contents, surrounded by piles of trash and stacked boxes," states the decision from the D.C. Court of Appeals.

Anderson, a former dean and acting provost, is now a mathematics professor at UDC. In 1999, Julius Nimmons Jr., then the university's president, rescinded his appointment of Anderson as provost after admitting he had violated university rules by failing to conduct a formal candidate search.

Anderson didn't respond to requests for comment about Vossoughi's lab, and she isn't talking to UDC officials either. Anderson has told current UDC administrators that she said everything she is going to say about Vossoughi's case at his trial, says Paredes, the UDC spokesman.

"These kinds of things won't ever happen again," Paredes says. "We have a completely different culture here."

At present, the \$1.65 million jury award has been added to the crowded plate of UDC President Allen Sessoms, a Yale-trained physicist and former president of Delaware State University and Queens College. He was hired last year by the board of trustees to implement some ambitious reforms, including raising academic standards, increasing fundraising efforts, and creating a separate community college.

UDC has struggled to establish its mission and identity since it was cobbled together in 1977 from the merger of three local colleges. Outdated facilities, budget woes, and a revolving door of leadership all have taken a toll. Students from the D.C. public schools often have been stuck in remedial classes at UDC, where one out of five full-time students graduates within six years.

Sessoms, who is offering a buyout to some faculty members, has made clear to faculty and staff "the consequences of not doing their job," Paredes says. (Sessoms also declined to comment on Vossoughi's case until after the final appeal request is resolved.)

The D.C. attorney general's office got blown out of the water at Vossoughi's trial in 2005. The jury not only sided with Vossoughi on all of his claims but also awarded him more money than he had specifically requested.

Vossoughi asked for \$1.41 million for the destruction of his lab and unspecified damages for the impact to his career. The jury then tacked \$237,000 onto the tab.

Even Vossoughi's lawyer was surprised by the \$1.65 million award and blames the D.C. attorney general's office, which represented UDC, for its size.

"This case was like a hot potato over at the attorney general's office. It was handed from one attorney to the next, so there was no cohesion to it," Dailey says. "The case was handled very poorly from the get-go, and I think that is why they lost so badly."

During his testimony, Vossoughi said he returned to UDC on Feb. 11, 2000, and found "most of the lab was empty except some big pieces" and "80, 90 percent of [his] things were gone."

While surveying the wreckage, Vossoughi called Dailey, who told him to take pictures of the damages. Vossoughi didn't try to retrieve any of his property from the trash and said the only things left in the lab were some old computer monitors, catalogs, and chairs. "If 80, 90 percent of your belongings are gone, you don't care at that time about 10 percent trash left over," he testified.

When Vossoughi returned to salvage the remaining contents, UDC officials denied him entry. (He was later able to retrieve some items and did not include those in his request for damages.)

Vossoughi testified that 19 of his specialized scientific instruments had been destroyed, including devices he designed to study blood vessels under high blood pressure and to improve clamps used by trauma surgeons on broken limbs.

Two of Vossoughi's colleagues who had collaborated with him on research projects testified on his behalf about his academic stature and the value of his destroyed research.

Dr. Ted Conway, who was a biomedical engineering researcher at the University of Central Florida, testified that Vossoughi was renowned in his field and "a lot of the work that he was doing wasn't being done by anybody else." Most textbooks on fundamental mechanics of the human body referenced Vossoughi's "pioneering work in the residual stresses in the cardiovascular system," he said.

Conway and Vossoughi were working together on a project and had planned on publishing their research papers before the lab's destruction. "It's just irreplaceable data. It's just, well, it's very difficult to deal with someone destroying irreplaceable data," Conway testified. "And obviously we didn't publish because of that. But there was a lot of time and effort that went into it, up to that point."

After the incident, Vossoughi was considered for a \$130,000-a-year position at the University of Central Florida, but "unfortunately he wasn't able to have any lab equipment to bring with him, and he wasn't offered the position," Conway testified.

It was crucial for Vossoughi's case to fix a price tag to his destroyed work because most of his research had no fixed market value. You can't go to a hardware store and buy a robot gripper that analyzes how forces are distributed through robotic fingers, but Vossoughi had built one before it ended up in the trash heap.

For UDC's defense, the attorney general's office presented only three UDC employees as witnesses during the four-day trial. None of them were trained in Vossoughi's field, and they didn't contest the values attributed to Vossoughi's research.

The attorney general's office didn't present any expert witnesses of its own. The jury was left with a one-sided impression about the value of the former professor's work.

It was a fatal mistake, leaving UDC with few arguments it could make in its unsuccessful appeal.

On appeal, UDC didn't challenge its liability for the destruction of Vossoughi's lab, essentially conceding that it was responsible. But UDC claimed a new trial was warranted because the jury award was excessive and the expert witnesses "merely rubber-stamped Vossoughi's speculative and erroneous valuations without providing any reasonable basis for their opinions." But the D.C. Court of Appeals found both experts were well-qualified and offered independent evaluations. The court also rejected arguments that Vossoughi had received damages for research that belonged to UDC.

D.C. Attorney General Peter Nickles, who inherited the case from former Attorney General Robert Spagnoletti, didn't respond to requests for comment. A spokesperson says the attorney general's office has no comment about its defense of UDC.

The attorney general's office has, however, requested a hearing before all nine judges of the D.C. Court of Appeals, a last-ditch effort that has almost no chance of success. Hearings by the full court are rarely granted and are reserved for cases that raise important legal issues.

If the final appeal attempt fails, the attorney general's office will have to decide whether the nearly \$2 million in damages owed to Vossoughi will come from UDC or the District's settlements and judgments fund. The fund has a \$21.5 million budget, so the jury award would wipe out almost 10 percent of the total. If UDC has to pay up, its general operating fund will take a big hit.

Paredes says that hit won't be taken from academic programs or expanded financial aid being offered to students to offset the tuition hikes. Where the money will come from is still a mystery. The D.C. government pays more than half of UDC's \$120 million in expenses, with the remainder coming from tuition, fees, and grants. "Usually we operate very close to our budget," Paredes says.

Meanwhile, Vossoughi is directing a research company that is developing a device to diagnose respiratory disorders. The project has received \$1 million in grants from the National Heart, Lung and Blood Institute, but he needs to find additional funding before he can manufacture and market the device.

"UDC is funded by the D.C. taxpayers, and this judgment ultimately will come from the D.C. taxpayers," Dailey says. "They are doing a disservice for every day that ticks forward."



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