

The New Dean

Gary Myers, dean, University of Missouri School of Law

What regional differences do you notice in coming to Missouri from the University of Mississippi? Missouri offers a nice mix of the Midwest, the South and the Great Plains, so I think it offers the best of all three. The barbecue styles are different but all very good.

How does your family like Columbia? We have received a very warm welcome from everyone here in Columbia. One of the great things about this city is its excellent quality of life. It is a great place to raise a family while also offering lots of things to do, such as the recent Roots N Blues N BBQ Festival. There are great recreational offerings and a good selection of restaurants. One of my goals is to try every restaurant in the city.

What was the transition like coming into your new position? It was a bit of a whirlwind transition. I returned to the United States from a summer work obligation, which happened to be in England. One week later, we made the move from Mississippi to Missouri and arrived on a Sunday. I started my new job as dean that Wednesday, which was the first day of new student orientation. The first month of work flew by very quickly.

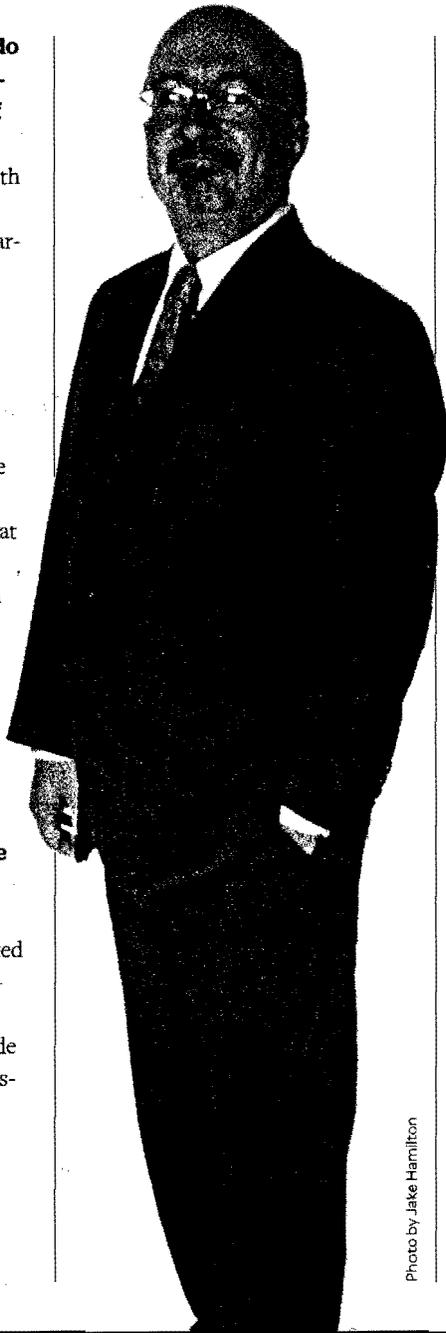


Photo by Jake Hamilton

What is your first major project as the new dean? My first fundraising priority is to raise money to fully fund the Tim Heinsz Professorship, which will honor the memory of our longtime faculty member and former dean. Once the professorship is fully funded, it will enable us to recognize the work of one of our excellent faculty members. Internally, I am hoping to increase the level of staffing for our skills training offerings and for fundraising and development.

What is something people wouldn't know about being the dean of a prominent law school? I have been surprised by how rarely the telephone rings in my office. Almost everyone communicates by email now.

Employment rates for law school graduates are the lowest in 16 years. What are you doing to make sure Missouri graduates have a competitive edge? Missouri has done better than most of its peer institutions in placing our graduates in jobs in which they can make use of their law degrees. Under my predecessor Larry Dessen's leadership, we expanded the size of our career services office to provide our graduates with increased support for their job search.

Last year, the school lowered its number of new students from 150 to 135. What was the need? Are we going to see the classes get smaller? This decision was made in anticipation of the reduced number of law school applicants nationwide, as well as the difficult economic environment in which there are fewer positions available for new law school graduates. It was a very responsible thing to do. I do not think we will reduce our class size further; 135 is a good class size for us for the next few years at least.

You've said before that you want to expand skills-related courses and training opportunities. How would that be funded with smaller classes? We can offer more skills training opportunities by increasing the level of financial support from our alumni and friends of the law school, by getting more alumni involved in teaching courses for our students and by deploying our existing resources with a greater focus on skills courses. At some point, we will probably need to consider increasing tuition modestly to help fund any significant expansion in our skills and clinical offerings. **CBT**

GARY MYERS:

→ Myers received his juris doctor with honors from Duke University School of Law

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San Francisco Chronicle

Civility efforts seek better behavior on campuses

By Alan Scher Zagier

Jewish students in the University of California system labeled terrorists for their support of Israel. Black high school students pelted by bananas on a Tennessee campus tour. A hostile student in Maryland challenging his professor to a fight after the teacher limited the use of cell phones and laptops during lectures.

In a society where anonymous Internet commenters freely lob insults, and politicians spew partisan barbs, the decline of basic civility isn't limited to academia. But the push for more polite discourse — often as an extension of more entrenched diversity efforts — is firmly taking root on campus.

From the University of Missouri to Penn State and Vanderbilt, colleges across the country are treating the erosion of common decency as a public health epidemic on par with measles outbreaks and sexually transmitted diseases.

"What we're trying to do is remind people of what they already know, to get back in touch with things they probably learned growing up," said Noel English, who heads a new Missouri civility campaign called "Show Me Respect," a nod to the state's nickname.

The Missouri campaign comes after two white students pleaded guilty in April 2010 to misdemeanor littering charges for dumping cotton balls outside the school's black culture center during Black History Month; the students were sentenced to 80 hours of community service, two years of probation and had their driver licenses suspended for two months. A 2009 survey of more than 3,500 students found that nearly one in seven reported incidents of harassment on campus, from racial slurs to hostile emails.

At a campus civility workshop earlier this week, Eric Waters, a junior from Mansfield, Texas, who is the football team's starting tight end, described how other students often label Mizzou football players as "mean" and "disrespectful" womanizers, sometimes to his face.

"It's not about the stereotypes people put on us," he said. "We try to carry ourselves like true gentlemen."

The University of Tennessee enacted its civility campaign in 2011. There had been a cotton ball incident at the Knoxville school's black cultural center after President Barack Obama's election and, in 2010, bananas were thrown at a group of more than 100 black high school students from Memphis during a campus visit.

"We want to be a campus that's welcoming to all, and hostile to none," said Chancellor Jimmy Cheek, who now outlines the school's 10 "principles of civility and community" at freshman orientation. The shared values range from inclusivity and collegiality to respect and integrity.

In some cases, the campus civility campaigns are being challenged by First Amendment advocates who fear that such programs muzzle unpopular speech in the name of tolerance and diversity.

That was the complaint at North Carolina State University, which revised a residence hall policy that, among other stipulations, prohibited dorm dwellers from wearing T-shirts or hanging posters "disrespectful and hurtful to others" while also requiring students to "confront behavior or report to staff incidents of incivility and intolerance."

The new policy now includes a written caveat calling the civility effort a set of "voluntary expectations" while emphasizing that the school is "strongly committed to freedom of expression."

"Civility is an important value," said Robert Shibley, senior vice president of the Foundation for Individual Rights in Education, which protested the Raleigh university's civility policy. "But at the same time, it can't be made the paramount issue in a free society, because there has to be space for people who have intense feelings about things to express those feelings in a way that really communicates the urgency and the depths of feeling that lies behind their opinions."

When campuses attempt to compel civil behavior, Shibley said, they become "so committed to civility that if you say something uncivil, you are going to be penalized. In some way, that's going too far. It starts to infringe on the very expressions that are protected by the First Amendment."

Many credit Pier Forni, a professor of Italian literature at Johns Hopkins University, as the dean of the campus civility movement. He started the Hopkins Civility Project 15 years ago, wrote the 2002 book "Choosing Civility" and is a frequent guest speaker on other campuses, including at Missouri earlier this year.

For Forni, the culprits behind contemporary incivility are numerous, from what he called "the crisis of civil engagement" in this country to eroding workplace manners to "radical informality"

heightened by Facebook and related social media. Yet he has no interest in making civil behavior a campus requirement.

"Civility should be promoted, not believed in," he said. "Civility is not something to enforce. "

Among the schools embracing those beliefs is the University of Arizona, which last year opened the National Institute for Civil Discourse after the shootings in Tucson, Ariz., that killed six people and injured 13, including Rep. Gabrielle Giffords.

In 2010, Rutgers University launched its "Project Civility" just before freshman Tyler Clementi killed himself when a roommate secretly recorded the teen's sexual encounter with another man. English, the Missouri campaign leader, said the New Jersey student's suicide helped influence her decision to start a program on campus.

She, too, favors the voluntary approach, though her initial instincts said otherwise.

"My first thought was, 'I'm a lawyer, we need a rule or a policy,' but then my thinking was, 'That's not really necessary,'" she said. "We can have all the policies in the world, but what we want to do is raise awareness and get people thinking ... We want to change the culture so it just becomes embedded."

Or, as Noor Azizan-Gardner, Missouri's chief diversity officer, put it: "I'm hoping when they graduate they will know what it means to be civil, kind and compassionate."

Noor Azizan-Gardner named MU's chief diversity officer

By [Alyssa Schueneman](#)

November 1, 2012 | 8:39 p.m. CDT

COLUMBIA — Increasing the diversity of faculty hires and adding diversity issues to existing curricula **are among the priorities of Noor Azizan-Gardner, MU's newly appointed chief diversity officer.** Azizan-Gardner was appointed to the new position by Deputy Chancellor Mike Middleton on Tuesday, according to a news release. She has worked with diversity issues for over 18 years and was the interim chief diversity officer last year.

Of 162 new, non-visiting faculty hired from September 2011 to October 2012, 37 were members of racial or ethnic minorities – African-American, Asian, Hispanic, Native American and Pacific Islander – according to a report authored by MU's Chancellor's Diversity Initiative.

"There has already been a lot of progress, but it is a continued priority," Azizan-Gardner said. The deans of all of the schools at MU are working to include diversity issues into their curricula, Azizan-Gardner said.

"The medical school uses problem-based learning and is working to add issues that the LGBTQ community faces into their curriculum," she said. The Chancellor's Diversity Initiative is a program that aims to promote diversity on campus and to ensure that everyone is treated with fairness and without prejudice. Programs of the Chancellor's Diversity Initiative include the [MU Equity Office](#), which works with faculty, staff and students who feel they have been treated unfairly, and services such as the [You in Mizzou dialogue series](#), which holds discussions on issues such as sex and religion. Another example is the Peer Mentoring Program implemented by the College of Engineering. Last year, U.S. and international students were paired up to increase interactions between the groups. The students took part in several events throughout the year, including a trip to Hannibal.

"We want to create an environment where all are able to engage in dialogue with each other and be themselves," Azizan-Gardner said. "We want to create spaces where people feel safe and welcome."

MU Health Care found in violation of federal regulations

By Zachary Matson

November 1, 2012 | 6:29 p.m. CDT

COLUMBIA – MU Health Care is on notice to correct deficiencies found during a September hospital visit from Medicare and Medicaid regulators.

A letter following the visit cited MU Health Care for noncompliance with a regulation that governs hospital pharmaceutical services and gave hospital administrators 10 days to submit a plan to correct the problems.

According to the letter, the "deficiencies have been determined to be of such serious nature that MU Health Care is not in compliance."

A Kansas City regional office of the Centers for Medicare & Medicaid Services, a federal agency, sent MU Health Care Administrator Jim Ross the letter, which was received Oct. 23.

According to MU representatives, the hospital will not submit a plan within the 10 days and will instead release it as a part of a report after the next site visit. While a plan is suggested by the federal oversight agency, it is not required.

"We are currently working on a plan for addressing the deficiencies mentioned in the letter; the plan will be a part of the final report from the CMS, which will be issued after the CMS on-site survey," MU Health Care spokesman Jeff Hoelscher said in a statement.

Hospital administrators have not made public the list of deficiencies included in the letter. The regulation MU Health Care was found in violation of includes rules for managing hospital pharmacies, storing and distributing medicine and keeping records of drug distribution.

The letter said MU could expect another visit from surveyors soon. After the next visit, MU will be asked to submit "a plan with acceptable completion dates for correction of all its cited deficiencies."

According to the regulation cited by the surveyors: “The hospital must have pharmaceutical services that meet the needs of the patients. The institution must have a pharmacy directed by a registered pharmacist or a drug storage area under competent supervision. The medical staff is responsible for developing policies and procedures that minimize drug errors.”

MU Health Care oversees more than 20 hospital and health centers in mid-Missouri. No specific facility was identified in the letter or by MU officials.

The hospital system has been under increasing scrutiny in recent months. Two radiologists resigned in June after a federal investigation uncovered Medicare billing fraud.

Ross is set to retire at the end of the year and will be replaced by Mitch Wasden, MU Health Care's current chief operating officer.

LABOR *and* POLITICS

As the right-to-work battle sluggishly carries on, the *Business Times* evaluates these labor laws and what they could mean if adopted in Missouri.

› BY SARAH REDOHL

RIGHT TO WORK. Those three words have sparked a bitter controversy in Missouri and across the nation. For the past two years, the issue has grown in popularity in Missouri with its reputation for economic growth. Although right to work is just one of hundreds of sections in the Taft-Hartley Act, it's the only section that has become a household phrase — even if what it is, and what it means for Missouri, remains elusive.

"It's really just one small part of a big labor law," says Herb Johnson, secretary-treasurer of the American Federation of Labor and Congress of Industrial Organizations of Missouri. "One of the biggest problems is that people don't really understand right to work."

Current federal law mandates that a union must represent all employees, including non-union members. In non-right-to-work states such as Missouri, when a company's employees create a union, the union must negotiate a contract with the employer. One decision both union and employer

must make is whether non-union members have to pay fees for the benefits they receive through union representation.

Paul Rainsberger is the director of the labor education program at the University of Missouri. He says the purpose of those dues by law covers the expenses of collective bargaining, contract administration and other union benefits.

An employer can choose not to do so, but the newfound collective power of the union could choose not to ratify the contract or eventually strike, according to Sam White, the historian for MU's labor education program

Right to work outlaws payment of these fees as a condition of employment, regardless of union pressure. If Missouri passes the legislation, Johnson says he fears fewer employees would join the union because they will benefit regardless. Strong consensus among academic researchers concludes that though right to work has a minimal effect on union density, it tends to inhibit union growth.

Affecting local profit

Mike LaGesse is a welder in the local Millwrights union. He says the companies he works for benefit from hiring union workers. "You know you're working with skilled people who know how to do their job and do it well," he says. "With right to work, less experienced and less skilled workers will take our work away." Ultimately he says he thinks it will decrease his wages, which are \$30 per hour, locally.

In 2011, union workers made on average \$10,800 more than non-union workers, according to the Bureau of Labor Statistics. For a hypothetical union company with 100 employees, that totals more than \$1 million each year that could go toward reinvestment, expansion or greater profits for investors and owners. A study published in the *Southern Economic Journal* in 2000 found that proprietors and investors see noticeably greater profit margins in right-to-work states. Two local mid-size companies, one in the transport industry and the other in construction contracting, say this additional profit margin is the only thing keeping them in business; if they had to pay union wages, they would have to close their doors.

In February 2011, the Missouri Chamber of Commerce announced its support for the legislation in Missouri after a survey of its members, which found that 87 percent were in favor. Additionally, it found that more than one-third of its member-companies say they are negatively affected by Missouri's status as a non-right-to-work state. Although the survey was anonymous, the members cited the following comments, among others:

- A healthy business environment is necessary to get this state's economy going again. ... Missouri needs to do all it can to position itself to be business friendly.
- Any legislation encouraging businesses to locate in Missouri will enhance our ability to do business with them; right to work would do that.
- Although not being a right-to-work state hasn't specifically hindered our company, I understand that many economic development opportunities have been lost.

Balance of power

A sign of the continuing power imbalance is the difficulty of getting businesses to talk about unions. Multiple union shops feared retribution. Non-union shops, too, would not speak on record for fear of drawing attention from external unions that might lobby workers to unionize.

"[The proponents of] this legislation say we would be doing so much better economically, that we'd have money falling from heaven," Johnson says. And though there is merit behind fears that passing right to work decreases wages — by an average of \$1,500 per year, per person, according to the BLS — the legislation also has merit as an economic development tool.

A study by economist Thomas Holmes, published in the *Journal of Political Economics*, found that though manufacturing activity in non-right-to-work states was stagnant, states that passed the legislation experienced an average increase of 150 percent between 1947 and 1998.

"A lot of people who are expanding and starting companies don't want to deal with [union shops]

and with the advancement in productivity and technology, there's less of an emphasis on joining a union," says Daniel Mehan, president and CEO of the Missouri Chamber of Commerce. He says the president of the Indiana Chamber of Commerce reported a 38 percent increase in new plant and plant expansion inquiries following the passing of the legislation in Indiana.

Both of those numbers are significant, but it's impossible to determine how much right to work alone affects a state's success. These states often use the legislation as just one tool in a box full of benefits for businesses.

The push for job creation

Following Holmes' study on manufacturing activities, he conducted a second study on metropolitan areas that span the border between right-to-work and a non-right-to-work state such as Kansas City. Holmes found that though right to work is a factor, the more important economic development factors include low taxes and levels of regulation, a good infrastructure and education system, as well as inexpensive electricity and land.

In the case of the Missouri-Kansas border, it was the total economic incentive package including right to work, that prompted businesses to cross the state line into Kansas.

According to a spokesperson for the Kansas Chamber of Commerce, in the fiscal year of 2009, 45 of the 53 companies that received tax incentives to move to Kansas came from Missouri. Only one moved from Kansas to Missouri, according to Missouri figures.

In late September, for example, truck dealer Murphy-Hoffman announced plans to move its headquarters and 100 jobs from Kansas City, Mo., to Leawood, Kan. Just one week prior, Hantover Inc., a distributor of general manufacturing and food processing industries, moved 91 jobs from Kansas City, Mo., to Overland Park, Kan.

"Especially in the economic downturn, we're looking for anything to get a leg up on job creation," Mehan says. Right to work is one available tool, but the legislation isn't on the ballot this year and if past patterns of a right-to-work push are an indication, it might not be an issue next year.

"Once the economy recovers, there won't be such a push for it," says White, the MU historian.

He says interest in the legislation usually surfaces in patterns, often during or following a recession or the defeat of labor law reform. Right-to-work legislation has only made it to the ballot once in Missouri, in 1978 as Amendment 23.

"When labor law reform is a dismal failure, those in favor of right to work in state legislatures become more bold," White says.

Missouri's workforce

Following the failure of the Carter labor reforms of 1977, the National Right To Work Committee targeted Missouri as a candidate for the legislation. Missouri had just experienced a conservative shift, from voting for the Republican presidential candidate one-quarter of the time before the 1970s to three-quarters of the time since.

President Barack Obama's Employee Free Choice Act, which aimed to amend the National Labor Relations Act of 1935, failed in 2009. Along with the recession, right to work once again gained strength. Although many of the current right-to-work states are in the South, which was almost blanketed as a right-to-work region following Taft-Hartley, the 2011 addition of Indiana — long a Rust Belt, high union density state — was a blow to organized labor.

"It's the chicken and the egg argument," Rainsberger says. "Was right to work allowed because labor in the South was weak, or was labor in the South weak because of right to work? I think it's because labor was weak."

Missouri, with St. Louis as one of the United States' great union cities and strong organization in Kansas City, has long been a stalwart for organized labor. When the issue emerged on the '78 ballot, the unions fought hard against it. Although Boone County voted in favor of the legislation, Amendment 23 failed three to two statewide.

In 1978, about 20 percent of Missouri's workforce was union. That number now hovers around 10 percent. Since much of the manufacturing industry, one of the most unionized sectors of the American workforce, has greatly declined in the United States, union numbers have followed suit. According to a study by the Missouri Economic Research and Information Center, Missouri's fastest-growing sectors are service and retail. These are also two sectors that happen to have very low union participation. White says when union density falls below a certain level, right-to-work legislation is more likely to pass.

Although the patterns indicate this is Missouri's best chance in history to pass the legislation, it isn't going to happen this November. **CBT**



Power plant cleans pipe for new boiler

Thursday, November 1, 2012

Those near the University of Missouri's power plant this weekend might notice steam coming from the roof and hear strange noises.

That's because contractors today began cleaning the steam pipe for the plant's new biomass boiler, which is expected to start operating early next year.

The cleaning process involves steam line blows that are completed by bringing the boiler to a set pressure and then releasing the steam through an open vent. The steam leaving the boiler cleans the line and boiler tubes. The process is repeated until crews confirm the lines are clean.

The steam will be vented through a muffler on top of the plant, with steam venting to the sky.

When blowing, sounds of muffled steam vapor might be heard as it vents above the roof of the plant.

The \$75 million boiler project began in 2010. When it's online, MU's total power composite will include 25 percent biomass.