Few issues affecting higher education have captured as much national attention this year as sexual assaults on college campuses.

When Congress reconvenes after its August recess, a bipartisan group of lawmakers will continue their push to pass legislation aimed at curbing campus sexual assaults. The Obama administration has taken on the issue, making public recommendations for how colleges should respond to the problem and more aggressively pursuing institutions that mishandle sexual assault cases.

But as Washington’s focus on campus sexual assaults continues, the issue is also increasingly commanding the attention of policy makers at the state level. Echoing concerns made by their federal counterparts, lawmakers and other officials in a handful of states are pursuing new ways to crack down on campus sexual assaults.

Connecticut, for instance, passed sweeping legislation this year focused on campus sexual assaults. That law requires public and private colleges in the state to create sexual assault response teams on their campuses, provide more robust prevention programs, and develop a partnership with local sexual assault crisis centers through which students can receive free counseling services.
In addition, all Connecticut institutions must now also provide a report to the state legislature each year that tallies the incidents of sexual violence on their campus as well as the number and outcome of disciplinary hearings.

The legislation was drafted after seven women last year filed a Title IX complaint against the University of Connecticut, alleging that the university did not properly respond to reports of sexual violence and harassment.

**Accountability Proposals**
While the Connecticut law was prompted by a specific complaint, the flurry of activity in some other statehouses is being fueled in large part by a desire to hold colleges and universities more accountable for how they handle cases of sexual violence on campus. And unlike the Connecticut law -- which won the support of several institutions and passed the legislature unanimously -- other states’ efforts have been or will likely be more controversial.

Two sets of legislative proposals are floating around in New Jersey. One proposal, sponsored by Assemblyman Reed Gusciora, a Democrat, would give the state’s attorney general the authority to fine colleges up to $50,000 if the college doesn’t appropriately respond to an allegation of sexual assault.

Gusciora, who as a municipal prosecutor has pursued sexual assault cases, said the goal of his bill is to “reinforce the message that universities and colleges need to take these allegations more seriously.”

“I often see attempts by colleges to handle these matters in house and not adequately refer them to local authorities, who are in a position to investigate,” he said, adding that “the colleges are reluctant to bring them to the forefront because of reputational concerns.”

The bill has already cleared a committee but has not yet been scheduled for a vote by the full General Assembly.

At the same time, New Jersey State Senator Peter Barnes is separately pushing a package of three bills relating to campus sexual assault.
The legislation would require colleges and universities in the state to post on their websites each month the number of sexual assaults reported on campus and to provide victims of sexual assault with a confidential adviser. In addition, one of the bills would mandate that colleges pass along reports of campus sexual assault to law enforcement.

“If a student in New Jersey reports to a person of authority that he or she has been sexually assaulted, in other words, a crime has occurred, then that university must immediately report to the local police department,” Barnes said. “Naturally, you can never force the student to cooperate with the investigation if the student doesn’t want to provide information. But the colleges should not have the discretion to hide it.”

Some victims’ advocates have rejected such a mandatory reporting approach, arguing that it takes away a victim’s power to decide how to proceed with a case.

Barnes said the impetus for his bills came from his own research as well as media reports about campus sexual assault, notably *The New York Times* feature last month about a botched handling of a rape case at Hobart and William Smith Colleges. He said that colleges need to do a better job dealing with sexual assaults and move away from the idea that a “knee-jerk reaction is to protect the reputation of the college.”

Barnes said he expected the bill to go before a committee in October. He also said hasn’t sought feedback from colleges and universities in the state, but predicted that that it would be “an epic battle.”

“They’re not going to want to crack down,” he said, adding that “I’m sure they’re not going to be pleased with the bill. Any time a bill adds a burden or obstacle to any group or interest group there's always a problem, but I welcome the dialogue.”

John Wilson, president of the Association of Independent Colleges and Universities in New Jersey, said that his group had not yet taken a position on any of the proposals but would be looking at them more closely as they become part of the active legislative agenda this fall.

“I would reject the idea that colleges are failing on this front,” he said. “Every institution takes this as a very serious matter.”
“One area of disagreement is when you have to involve outside authorities,” Wilson added. “Colleges would be concerned about the wishes of the victim. To make it automatic that you have to report it to the prosecutor could leave the victim in the situation of not having choice.”

**Campus Climate Surveys**

Legislative efforts have already been fraught in Maryland, where a bill requiring institutions to conduct anonymous campus surveys about sexual assault was shot down at least in part by objections from universities.

The bill’s sponsor, Delegate Jon Cardin, a Democrat, said the goal of the surveys was to push campuses not only to focus more on sexual assault prevention but also on providing prospective students and families with the ability to make “legitimate, accurate comparisons” between institutions about the prevalence of sexual violence on their campuses. He said he modeled his bill on surveys done at the University of New Hampshire.

Cardin said he was disappointed in how colleges and universities lobbied against his bill, which died in committee.

“They did not really want to listen,” he said. “Instead of trying to work on it and try to come up with something that was a modest start, they said, ‘We’re going to kill it,’ ” he said.

“I can’t imagine that they would have been able to react in the same way if the White House had come out at that point, and said it was a best practice,” Cardin said.

An Obama administration sexual assault prevention task force in April released its first set of recommendations, which included campus climate surveys. Vice President Joe Biden said at the time that all colleges should conduct climate surveys “if they are really serious about protecting students.”

Cardin, who lost a bid for the Democratic nominee for attorney general earlier this year and won’t be returning to the state legislature, said he hopes another lawmaker will pick up the issue in Maryland.
The bill in Congress by Senators Claire McCaskill, Kirsten Gillibrand and others would mandate campus climate surveys at colleges and require institutions to post the anonymous results online.

As lawmakers return from the August recess next week, it’s unclear how far legislation will go in a gridlocked Congress that has a short amount of time to take care of other pressing business, like funding the government, before members become fully consumed by the midterm elections in November.

State legislatures, of course, are more nimble operations. Although only a handful of states are considering these types of proposals, they stand a far greater chance of moving forward.

‘Yes Means Yes’ Bill Moves Ahead
California appears poised to become the next state to adopt new legislation, as lawmakers there advance a controversial bill changing the definition of consent for colleges investigating alleged sexual assaults.

The bill, by Senator Kevin De León, a Democrat, would require that college students obtain “affirmative consent” before engaging in sexual activity. The legislation spells out that silence, lack of resistance, or an existing relationship does not qualify as consent. After clearing the Senate earlier this year on a 27-9 vote, the Assembly voted 52-16 on Monday to approve the bill. It now heads back to the Senate for final votes on amendments.

Executive Actions
Besides state legislative activity on sexual assaults, at least one executive is also tackling the issue.

Virginia Governor Terry McAuliffe this week formed a task force on campus sexual assault that will produce "best practices" for how campuses should respond to and seek to prevent sexual violence.

The task force will be chaired by Attorney General Mark Herring and will consist of state officials, higher education leaders, law enforcement, health officials and community
advocates.

Herring will also work with colleges and universities to conduct “a top-to-bottom review” of sexual misconduct policies on campuses.

In Massachusetts, meanwhile, addressing campus sexual assaults has emerged as a prominent issue in a close race for the Democratic nomination for attorney general.

Warren Tolman, a former state lawmaker, has put out a policy paper on campus sexual assault that he has been touting on the campaign trail. The plan calls for the attorney general’s office to create a new position, the Liaison on Campus Assault, who would be tasked with making sure that Massachusetts colleges are following federal crime reporting rules and properly handling sexual violence cases.

In an interview, Tolman emphasized his plan to convene an annual summit of college leaders to discuss best practices.

“If it's about beating them up, if it's about forcing them to do things, adding layers of bureaucracy, that won't work,” he said. “This is about trying to push them and prod them and basically have a discussion about what's working.”

Warren and his opponent, Maura Healey, a civil rights attorney and former assistant attorney general, sparred in a debate this week over how best to address campus sexual assaults.

Healey criticized Warren’s focus on a gathering of college officials, saying it would not be the best approach to dealing with the problem.

“You solve campus sexual assault by giving schools the resources they need: rape crisis counseling centers, forensic investigators, relationships with police and district attorneys that are working so that people can come forward,” she said.
The College Football Grid of Shame

As Season Begins, We Rank Everyone on How Good—and How Shameful—they Are

College football is the ultimate balancing act between athletics and ethics: How much does your school win, and how far must it go to do it?

Every school is trying, somewhat futilely, to maximize its glory while minimizing the damage inherent in this megabucks business of "amateur" football. And so, with the season beginning in earnest on Thursday, The Wall Street Journal presents the Grid of Shame, our fourth-annual guide to the most powerful and deplorable teams in college football.

The Grid is a way of sorting out which fans can boast about their team—on and/or off the field—and who should think again before gloating. The horizontal axis assesses on-field strength for this upcoming season. We took the preseason ratings of all 128 major-college teams from several media outlets and predictive computer models, then averaged them together to smooth out the slight outliers. The better the team, the farther they are on the right.

The vertical axis measures shame. This is trickier to quantify, of course, but there is data to help the cause.

We decided the thin line between admirable and embarrassing with a weighted calculation of every team's academic performance, NCAA violation and probationary record, attendance figures, off-season arrests, total funding it takes from the university or state and amount that student fees subsidize the athletic department.

But that still doesn't cover everything. This is college football, after all. The juiciest scandals are too unbelievable to fall under one data point. How, for example, do you categorize Southern California suspending cornerback Josh Shaw on Wednesday for admitting he lied when he said he injured his ankles jumping out of a building to rescue a drowning relative in a pool? That is why we also account for an "ick" factor—that je ne sais quoi that makes academic eggheads, Division III purists and other tailgating holier-than-thous spit out their Chardonnay.

The big winners of this year's Grid—that is, schools located in the upper right—including UCLA and Stanford, a pair of Pac-12 teams that are contenders for this season's first-ever College Football Playoff.
An outsize number of teams this season fell into the least desirable quadrant of the Grid—the bottom left—because of poor Academic Progress Rate scores, reliance on subsidies or both.

The bottom-right quadrant of embarrassing powerhouses is always full of big names. This season is no exception with Florida State, Alabama and Oklahoma—the top three teams, in that order, in the preseason coaches poll.

Appeals court: Course syllabi not public records

COLUMBIA, Mo. (AP) — Course syllabi are the intellectual property of their creators and not considered public records under Missouri's Sunshine Law, a federal appeals court ruled this week.

The National Council on Teacher Quality filed a motion in late 2012 seeking to force the University of Missouri system to release copies of the documents college faculty members prepare for their students to outline topics to be covered and expectations for their classes. It's part of a nationwide effort to monitor what aspiring teachers learn in college.

In addition to the University of Missouri system, university presidents across the state also declined to participate in what they called "ill-conceived 'research'" conducted "in a coercive way from outside the profession."

Last year a Boone County Circuit Court judge rejected the council's efforts to require release of the course syllabi under the state's open records laws, and on Tuesday the Missouri Court of Appeals Western District upheld that ruling, the Columbia Daily Tribune (http://bit.ly/1mSRZpH) reported.

University of Missouri system spokesman John Fougere said the university is pleased with the ruling and had taken its stance against releasing the syllabi out of respect for the rights of faculty members who created them.

"We are glad that both courts to review the matter have concluded that we acted lawfully," Fougere said in a statement.

The Boone County ruling held that "faculty members hold copyright ownership in their syllabi and, thus, that the syllabi's disclosure was protected by the Federal Copyright Act."
Arthur McKee, managing director of the NCTQ's teacher preparation study, told the Tribune in 2012 that the group was collecting the information nationwide, and most universities had complied with the requests. A similar legal challenge in Minnesota was ruled in NCTQ's favor.

The Missouri appeals court said NCTQ's request for access to the syllabi is not protected from "disclosure" by federal copyright statutes — which address only "reproduction and distribution" — but the university had the right to deny the request to copy the documents under the copyright law.


UM System wins appeal in case over course syllabi

By Ashley Jost

Wednesday, August 27, 2014 at 10:43 am Comments (3)

A panel of judges ruled in favor of the University of Missouri System in an appeals case Tuesday, determining that course syllabi are exempted from Missouri's open records law because they are ultimately the intellectual property of faculty members.

The National Council on Teacher Quality, a Washington, D.C.-based education group, filed a motion in October 2012 requesting the university disclose course syllabi under the Missouri public records law known as the Sunshine Law.

The Missouri Court of Appeals Western District yesterday sided with a Boone County circuit court decision in favor of the university’s stance that “faculty members hold copyright ownership in their syllabi and, thus, that the syllabi’s disclosure was protected by the Federal Copyright Act,” according to the ruling.

“We are pleased with the ruling by the Court of Appeals,” UM System Spokesman John Fougere said in a statement. “In responding to the NCTQ’s request for course syllabi, we felt it was important to respect the rights of the faculty members who created the syllabi. We are glad that both courts to review the matter have concluded that we acted lawfully.”

NCTQ, in partnership with U.S. News & World Report, is working on a college evaluation project that includes an analysis of course syllabi, which are documents professors prepare for their students to indicate what the expectations are for their class, as well as topics covered.
Arthur McKee, managing director of the NCTQ’s teacher preparation study, told the Tribune in 2012 that the group was collecting the information nationwide, and most universities had complied with the requests. A similar legal challenge in Minnesota was ruled in NCTQ’s favor.

According to the ruling authored by Judge Lisa White Hardwick, the NCTQ cited cases during the circuit court hearing that show the Federal Copyright Act had never been used to deny requested documents in open records cases.

“We find the NCTQ’s reliance on such authorities unpersuasive,” the ruling says. “The courts of this state are not bound by decisions of foreign jurisdictions. Moreover, none of the cases cited by the NCTQ hold that the Federal Copyright Act has no applicability in open records cases.”

The court said NCTQ’s request for access to the syllabi is not protected from “disclosure” by federal copyright statutes, which addresses only “reproduction and distribution,” but the university had the right to deny the request to copy the documents under the copyright law.

Lawyers for the NCTQ could not be reached for comment this morning.

**THE CHRONICLE of Higher Education**

**Court Sides With U. of Missouri in Fight Over Teacher-Prep Syllabi**

*A state appeals court has ruled that the University of Missouri system does not have to release course syllabi, as they are the intellectual property of the faculty and therefore exempt from the state’s open-records law, the Columbia Daily Tribune reports.*

The decision, handed down on Tuesday, is the latest chapter in a bid by the National Council on Teacher Quality to rank teacher-preparation programs by obtaining course syllabi and other materials from institutions nationwide. The group sued a handful of university systems that would not release syllabi it had requested, including in Minnesota, Missouri, and Wisconsin.

Judge Lisa White Hardwick, of the Missouri Court of Appeals for the Western District, wrote the court’s opinion, which affirmed a lower court’s decision.

“We are pleased with the ruling by the Court of Appeals,” a system spokesman, John Fougere, said in a written statement. “In responding to the NCTQ’s request for course syllabi, we felt it was important to respect the rights of the faculty members who created the syllabi. We are glad that both courts to review the matter have concluded that we acted lawfully.”

The council has released two rankings, first in 2013 and again this year.
COLUMBIA — Peter Hatch admires Thomas Jefferson's handyman tendencies, especially his love of gardening, which Jefferson vigorously practiced at his Virginia home, Monticello. Hatch thinks how Jefferson cultivated his gardens is a good parallel to how a community is built.

"You seem to have adopted him as a native son," Hatch, who was the director of gardens and grounds at Monticello for 35 years, said at MU on Tuesday. He visited MU as part of the Mizzou Botanic Garden's Jacquelyn K. Jones Lectureship and a celebration of the garden's 15th anniversary.

"It's pretty interesting to see how you're looking at the campus as a botanic garden," Hatch said.

The entire Mizzou campus is considered the Mizzou Botanic Garden. It contains thematic and special collection gardens, including one dedicated to Thomas Jefferson that includes many of the flowers familiar to Monticello, according to the Mizzou Botanic Garden website. The garden is located alongside his monument near the chancellor's Residence on the Quad.

"At the University of Virginia, they do the same, but it's not quite as organized or as methodically maintained as you all do here, so I salute the efforts that are being done," he said.

The day's events included the Kindness Tree Dedication ceremony at the Sinclair School of Nursing. It memorialized the 2012 shooting incident at Sandy Hook Elementary School in Connecticut.

As director of gardens and grounds at Monticello for 35 years, Hatch was responsible for the maintenance and restoration of 2,400 acres, according to his website. His most recent book, published in 2012, is "A Rich Spot of Earth: Thomas Jefferson's Revolutionary Garden at Monticello."
In his afternoon lecture, Hatch said Jefferson's penchant for gardening reflects the ways in which communities are built — through components such as humility, science, experimentation, patriotism, design, labor and sociability, all of which Jefferson practiced on his home terrain.

"There is a real union of gardening and sociability," Hatch said. "'We're all brothers and sisters of the spade' is a wonderful theme that is captured in the work of Thomas Jefferson."

Jefferson suggested that the planting of sugar maple trees and their easy cultivation could replace the reliance on sugar cane and slaves in the fields, Hatch said.

"Jefferson looked at plants as a way of transforming the culture and the economy of the young American public," he said.

MU was the first state university founded in the territory of Jefferson's Louisiana Purchase. The university was awarded his tombstone, originally held in Monticello, in 1885.

MU students make silent march for Michael Brown

By Ashley Jost

Wednesday, August 27, 2014 at 8:21 pm Comments (4)

Dozens of University of Missouri students marched in silence across campus Wednesday to demand justice for Michael Brown and to express solidarity with demonstrators in Ferguson.

“Pray 4 STL,” “Hands up, don’t shoot” and “Justice” were among the signs students held up while walking across campus and eventually through MU’s iconic columns starting about 5:30 p.m. Students without signs held up a fist.

“This sends a message to Ferguson,” Jonathan McElderry, coordinator of MU’s Black Culture Center, said to the crowd after they walked through the columns.

The goal of the walk was to empower students and bring attention to the story of Brown, an unarmed black teenager who was shot and killed in North St. Louis County two weeks ago, and the clashes between protesters and police.
that followed. Many students, including the organizers, cited concerns about heavy-handed police as a reason to educate themselves and others on campus about their rights.

A grand jury is hearing evidence to determine if the policeman who shot Brown will be charged in state court, and the federal government is also investigating.

“I have five brothers — it could have easily been any one of them,” sophomore Cortez Brown said about why he felt compelled to attend the march.

Scott Brooks, associate professor of sociology at MU, spoke to the students after they walked through the columns. A former college activist himself, Brooks told students that events like Brown’s death that spark emotion and action are not “final victories” for African-Americans.

“There are many Michael Browns,” he said.

Brooks read excerpts from former slave Frederick Douglass’ "Narrative of an American Slave" to illustrate to students that education is their way to freedom.

“Here at the university, it is our job as faculty and staff to help you become women and men,” he said. “So you can become unshackled by preconceived notions you come in here with that have been destructive, that won’t help you progress, that prevent you from seeing yourself as a larger, global community, that prevent you from having the courage to step out on faith and do things that our ancestors have done.”

A “Hands up, don’t shoot” photo, part of an ongoing, national campaign, preceded the march. Protesters in Ferguson turned the phrase into a chant based on reports that “Don’t shoot” were reportedly Brown’s last words when he was killed. Witnesses said Brown had his hands raised.

The Legion of Black Collegians at MU, as well as other students and organizations involved with the “MU 4 Mike Brown” effort, are hosting a “Know Your Rights” town hall-style meeting at 7 p.m. Sept. 4 at the Black Culture Center. A representative said the group wants to bring in area legislators to be part of the discussion and to field questions from attendees.

COLUMBIA MISSOURIAN

Silence prevailed at MU's Hands Up, Don't Shoot march

Wednesday, August 27, 2014 | 11:03 p.m. CDT; updated 6:56 a.m. CDT, Thursday, August 28, 2014

BY RYAN MCELROY

COLUMBIA — As the protesters marched through MU’s campus Wednesday some raised one fist in the air. Some raised both hands in symbolic surrender. Some raised signs bearing messages such as "Justice for Mike Brown." But all were silent.

The Hands Up, Don't Shoot march was planned by various MU groups and organizations, including the Legion of Black Collegians and the
Gaines/Oldham Black Culture Center. It was held to remember Michael Brown, but many protesters hope the march will do more than that. They saw it as a call to action and a way for community members to coalesce around ideas bigger than any one person.

The silence was a choice. Protesters didn't want anything to distract from the march itself.

"Our presence alone should stir up the community around us, so we wanted to be visible," said Naomi Daugherty, one of the organizers of the event.

MU senior Briana Sparks emphasized that the events in Ferguson should concern everyone.

"I want people to realize that this is a people issue," Sparks said. "Not a black issue or an ageist issue, but a people issue."

Freshman Sammie Arnold saw the march as a way to empower those who often feel left out of the national conversation.

"The march shows us as American citizens have a voice," he said. "A lot of people overlook that and think their voice doesn't matter."

Ashley Bland, a junior who helped organize the march, stressed that young people have more power than they sometimes realize.

"Even as students we can be active in legislation and make changes," she said.

Junior Corie Wilkins saw the protest at MU as part of a larger, longer national struggle.

"I hope that the march has the same impact as marches in big cities have had in the past, to show our solidarity," Wilkins said. "Not necessarily that we're marching in the same place, but that we're marching for the same goals."

The organizations involved with the protest on Wednesday are planning future events as well, including a joint trip to a town hall meeting.

"This is one of many things we're going to do," Sparks said. "This is just the beginning."