California Legislature passes 'yes means yes' bill

By JUDY LIN

NO MU MENTION

SACRAMENTO, Calif. (AP) — State lawmakers on Thursday passed a bill that would make California the first state to define when "yes means yes" while investigating sexual assaults on college campuses.

The Senate unanimously passed SB967 as states and universities across the U.S. are under pressure to change how they handle rape allegations. The bill now goes to Gov. Jerry Brown, who has not indicated his stance on the bill.

Sen. Kevin de Leon, D-Los Angeles, said his bill would begin a paradigm shift in how California campuses prevent and investigate sexual assault. Rather than using the refrain "no means no," the definition of consent under the bill requires "an affirmative, conscious and voluntary agreement to engage in sexual activity." Earlier versions of the bill had similar language.

"With this measure, we will lead the nation in bringing standards and protocols across the board so we can create an environment that's healthy, that's conducive for all students, not just for women, but for young men as well too, so young men can develop healthy patterns and boundaries as they age with the opposite sex," de Leon said before the vote.

Silence or lack of resistance does not constitute consent. The legislation says it's also not consent if the person is drunk, drugged, unconscious or asleep.

Lawmakers say consent can be nonverbal, and universities with similar policies have outlined examples as maybe a nod of the head or moving in closer to the person.

Advocates for victims of sexual assault supported the change as one that will provide consistency across campuses and challenge the notion that victims must have resisted assault in order to have valid complaints.
Some critics say the legislation is overreaching and sends universities into murky, unfamiliar legal waters.

Gordon Finley, an adviser to the National Coalition for Men, wrote an editorial asking Brown not to sign the bill. He argued that "this campus rape crusade bill" presumes the guilt of the accused.

"This is nice for the accusers — both false accusers as well as true accusers — but what about the due process rights of the accused," Finley wrote.

The bill passed the state Assembly on Monday by a 52-16 vote. Some Republicans in that house questioned if statewide legislation is an appropriate venue to define consent.

There was no opposition from Senate Republicans.

"This bill is very simple; it just requires colleges to adopt policies concerning sexual assault, domestic violence, gang violence and stalking," said Sen. Anthony Cannella, R-Ceres. "They should have already been doing that."

The bill would apply to all California post-secondary schools, public and private, that receive state money for student financial aid. The California State University and University of California systems are backing the legislation after adopting similar consent standards this year.

The bill also requires colleges and universities to adopt "victim-centered" sexual-assault response policies and implement comprehensive programs to prevent assault.

In January, President Barack Obama vowed to make the issue a priority. He announced a task force that created a website providing tips for filing complaints, www.notalone.gov, and issued a report in May naming 55 colleges and universities across the country facing investigation for their responses to sexual abuse and violence. The University of California, Berkeley was included on the list.

NCTQ to appeal syllabi case to Missouri Supreme Court

Thursday, August 28, 2014 at 10:29 am Comments (1)

Kate Walsh, president of the National Council on Teacher Quality, said this morning that her organization will ask the Missouri Supreme Court “today or tomorrow” to take up a case against the University of Missouri System.
“We remain aptly convinced the merits of the case are on our side and with the right hearing the outcome will absolutely be on our side,” Walsh said.

The 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.

A panel of appellate judges ruled in favor of the UM System on Tuesday, determining that course syllabi are exempted from Missouri’s Open Meetings and Records Law because they are ultimately the intellectual property of faculty members. The National Council on Teacher Quality was requesting the syllabi for a project to evaluate colleges and universities.

UM System spokesman John Fougere declined to comment this morning.

COLUMBIA MISSOURIAN

MU Museum of Art and Archaeology galleries delayed due to renovations

Thursday, August 28, 2014 | 8:03 p.m. CDT
BY ELLISE VERHEYEN

COLUMBIA — The opening of the full galleries at MU’s transplanted Museum of Art and Archaeology will probably be delayed until early 2015 because renovations at Mizzou North are taking longer than expected, museum director Alex Barker said.

"Once the renovations are closer to being completed, we'll announce an opening date," Barker said.

The five to seven galleries were scheduled to open this fall. Barker said it will take longer to construct the gallery spaces to specifically accommodate displays of art and artifacts.

This past spring, the museum was moved to Mizzou North — the former Ellis-Fischel Cancer Center off Business Loop 70 — from its homes in Swallow and Pickard halls, which are being renovated.
Swallow Hall was in need of an upgrade and additional classrooms, and Pickard Hall had potential radiation contamination left over from its days as home of the Department of Chemistry.

The museum's location at Mizzou North is still intended to be temporary, Barker said.

The museum is currently offering a gallery featuring cast copies of Greek and Roman statues and busts. The museum store is open on the first floor, and the galleries under construction are on the second floor.

Ebola in mind, US colleges screen some students

BY CAROLYN THOMPSON
ASSOCIATED PRESS
08/29/2014 12:38 AM

BUFFALO, N.Y. - College students from West Africa may be subject to extra health checks when they arrive to study in the United States as administrators try to insulate their campuses from the worst Ebola outbreak in history.

With the virus continuing to kill in Guinea, Liberia, Sierra Leone and Nigeria, the expected arrival of thousands of students from those countries has U.S. authorities on alert but cautioning against alarm.

"I can see why there would be concern; there's no vaccine for it," said Fatima Nor, an 18-year-old freshman at the University at Buffalo, where about 25 students from Nigeria
are enrolled for fall. But she said knowing that the virus is transmitted strictly through direct contact with bodily fluids of sick people, and not by sitting next to someone in class, should be enough to calm nerves.

"As long as everyone keeps their personal space, it should be OK," said Nor, of Buffalo.

While the Centers for Disease Control and Prevention have issued no specific recommendations for colleges, some state health departments, including in South Carolina and North Dakota, have spelled out for administrators what symptoms to look for and how to react.

Elsewhere, universities are drafting their own precautionary plans against the often-fatal hemorrhagic fever, which causes weakness, vomiting, diarrhea, internal bleeding and sometimes bleeding from the nose and ears.

The American College Health Association recommends its members update emergency plans, find out where patients have traveled and use isolation exam rooms when available. Several colleges are checking the temperatures of students arriving from affected countries and continuing to monitor for fever until any risk of contagion has passed.

"I don't see this as a huge threat on college campuses," said Dr. Susan Even, student health director at the University of Missouri-Columbia and a member of the ACHA, "but it makes sense when you're communicating with students ... to ask a question or two."

U.S. universities count 9,728 active students from Nigeria, 204 from Liberia, 169 from Sierra Leone and 95 students from Guinea, according to the federal government.

The odds they could bring Ebola to campus seemed too small to worry Laura Washburn, a senior at Tufts University outside Boston.

"It's not like I'm not going to class because someone has been to Africa," she said. "I mean, it's hard to say how paranoid we should be about it, but I feel pretty safe at Tufts."
The roughly 30 Nigerian students expected at the University of Illinois will be pulled aside for a temperature check and private Ebola discussion when they arrive at the health center for mandatory immunization paperwork and tuberculosis screening, said Dr. Robert Palinkas, the center's director.

The plans have been reassuring to the handful of parents who have called wondering whether their child's placement with a West African roommate should give them reason to worry, he said.

"Parents are comforted to know that there is a screening process, that we are alert for it, that we are prepared for it," Palinkas said, "and that we're doing everything we can without infringing on the rights of anybody to make sure their son or daughter is going to have the lowest risk possible."

Similar screenings are planned at the University at Buffalo, Mercer University in Georgia, Liberty University in Lynchburg, Virginia, and the University of Akron in Ohio, the campuses said.

Moses Ogunseye arrived from Lagos, Nigeria, a little over two weeks ago to study at Akron. The 31-year-old graduate student said he spent a few minutes filling out a questionnaire and was given a disposable thermometer to monitor himself for fever for a couple of weeks, something he doesn't mind doing even though he is certain he hasn't been exposed to Ebola.

"I would expect that. It's a very logical thing to do," he said of the screening, which, though voluntary, is encouraged.

Alma Olson, director of Student Health Services at the university, said students are being asked to keep tabs on their temperature for up to 21 days, the length of time it can take for symptoms of Ebola to appear following exposure.

"At the end of the 21-day period they'll come back and we'll check them and send them on their way," Olson said. The CDC requires that any potential Ebola patient be isolated and public health professionals notified.
"There's such a low level of worry" because Ebola doesn't spread easily, she said, "but we really have to be on top of any communicable disease."

Universities in the United Kingdom also are on alert with the expected arrival of thousands of Nigerian students there. Universities UK, which represents universities, has circulated guidance from Public Health England advising administrators on how to recognize and react to possible cases.

Dairy industry urges override on bill to provide subsidies, scholarships

Bill would alter deer farm rules.

By Rudi Keller

Thursday, August 28, 2014 at 11:51 am Comments (4)

JEFFERSON CITY — Dairy industry supporters on Thursday vowed to override Gov. Jay Nixon’s veto of bills to subsidize dairy farmers and provide scholarships to study milk production.

The dairy supports are part of two bills that touch a variety of agriculture issues that were rejected by Nixon because they strip the Missouri Department of Conservation of its authority to regulate captive deer in private hunting parks.

Dubbed the “Missouri Dairy Revitalization Act of 2014” by lawmakers, the measure would create a fund to reimburse farmers for 70 percent of the cost of federal margin insurance, up to 34 cents per hundred pounds of milk. **It would also provide up to 80 scholarships, worth $5,000 each, to study dairy production at a Missouri college and direct the University of Missouri to conduct an annual study proposing measures to support milk production in the state.**

The bill is intended to arrest the decline in the number of dairy farms and dairy production in the state. From 1,890 dairies operating in 2004, only 1,233 remain, according to Missouri Dairy Association figures. The state has fallen from 11th to 25th in total production.
“I think we deserve this bill,” said Larry Purdom, president of the Missouri Dairy Association, during a news conference.

Neither bill received enough votes in the Missouri House to overcome Nixon’s veto, but Rep. Casey Guernsey, R-Bethany, said absent members and lawmakers willing to change their votes will provide the 109 votes needed.

Lawmakers return Sept. 10 to Jefferson City to consider Nixon’s vetoes. In his veto message, Nixon wrote that the provisions on captive deer violate the Missouri Constitution’s provisions giving the Conservation Commission sole authority to regulate wildlife.

Sen. Mike Kehoe, R-Jefferson City, said Nixon’s veto shows a lack of respect for agriculture in the state.

“Throwing hand grenades into the middle of a battle is the only thing this guy knows how to do,” Kehoe said.

The provisions on deer would turn the regulation of captive animals over to the Department of Agriculture. While supporters of the agriculture provisions today expressed confidence in the veto override, Brandon Butler, executive director of the Conservation Federation of Missouri, said his group is lobbying hard to sustain Nixon’s veto.

“We have done citizen outreach and really put it in the hands of the people,” Butler said. “It is unfortunate because there are good portions of the bill. We don’t know how it is going to shake out, it is going to be close.”

The money available will be based on an annual estimate of the sales tax revenue from dairy products. It directs lawmakers to tap the general revenue fund for an amount equal to up to 40 percent of that revenue.

There is no general revenue sales tax on milk, which is exempt like all other food purchase at groceries, meaning the programs would compete with schools and mental health for funding. Neither Guernsey nor Purdom could identify which areas of the budget to cut to provide money for subsidies and scholarships.

“I don’t believe that I have ever taken money from anybody,” Purdom said. “I don’t want any money taken away from education. But I will tell you this, if we don’t have a dairy industry in Missouri, you are not going to collect much taxes from the unemployed from those dairy industries.”
MU welcomes new and returning veterans

Friday, August 29, 2014 | 6:00 a.m. CDT; updated 7:20 a.m. CDT, Friday, August 29, 2014

BY JIAYUE HUANG

COLUMBIA — New and returning veterans wore T-shirts and jeans rather than military uniforms Thursday at the Mizzou Veterans Welcome BBQ.

Around 330 veterans are enrolled at MU this fall. To welcome them to the campus, the MU Veterans Center, MU Student Veterans Association and the Department of Student Life organized a barbecue at the A.L. Gustin Golf Course.

The event has been organized at the beginning of each fall semester since 2009, and more than 50 veterans arrived this year before the cooking began. MU Student Veterans Association president Ryan Gill first joined the welcome party when he came to MU in 2012.

Gill was deployed to Iraq in 2008 and 2009. In 2010, he went to Haiti after the earthquake, where he worked as a military policeman. From 2011 to 2012, he was in service in Qatar.

"When you are in the military, it is a very structured environment and everything is taken care of for you," Gill said."When you transfer to a university, your itinerary is your university classes."

Mark Olson, a 28-year-old senior majoring in natural resource recreation management, joined the military in 2005. He used to be an infantryman in the Army and was sent to Iraq for two and a half years.

Although he has been out of service since 2011, Olson said he still keeps in touch with his friends in the military. He finds friendship on campus different from that in military.
"If somebody messes up their job (in the army), somebody could die," Olson said. "But when your friends lie to you, no one is going to die."

Although he has made many friends on campus, he said, his real challenge is suffering from traumatic brain injury.

He has dealt with the symptoms five times. Olson said his memory is getting worse, and he is easily distracted in the classroom.

But at the same time, Olson said his experience in the army makes him a task-oriented person, which has helped him with his schoolwork.

"It is very important for me and other veterans on campus to be able to identify with one another and have a place where they can go and relate to other people who have similar experience," Gill said.

PHOTOS: MU celebrates National Bow Tie Day
Thursday, August 28, 2014 | 11:35 p.m. CDT; updated 6:35 a.m. CDT, Friday, August 29, 2014

Chancellor R. Bowen Loftin sports a Doctor Who-themed bow tie for National Bow Tie Day on Thursday. The chancellor posed for portraits with students wearing bow ties at the MU Student Center. Missouri Student Unions provided bow ties, plastic mustaches and other accessories as props for students without bow ties.

BY LAUREN KASTNER
COLUMBIA — The Missouri Student Unions helped MU students, faculty and staff celebrate National Bow Tie Day on Thursday. The unions provided bow ties, plastic mustaches and other accessories as props for students and staff without bow ties to pose for portraits with the chancellor.

Associate professor Antoinette Landor puts on a tiger-striped bow tie at the MU Student Center on Thursday. Lauren Kastner/Missourian

Oral arguments set in convicted arsonist's appeals case

Proceeding is on for Sept. 12.

By Alan Burdziak

Thursday, August 28, 2014 at 10:30 am Comments (3)

Oral arguments in the appeals case of a man serving 78 months in federal prison for setting fires at University of Missouri’s Ellis Library and Stephens College’s Audrey Webb Child Study Center are set for the morning of Sept. 12 at the federal courthouse in St. Louis.

Christopher C. Kelley, 28, was convicted of two counts of arson in April 2013 after a two-day trial in Jefferson City. He was sentenced in January. In addition to prison time, Kelley was
ordered to pay $591,114.25 in restitution for the fires, which resulted in about $1 million in damage. He will be on three years’ probation when released from prison.

Shortly after he was sentenced, Kelley’s attorney filed the case in the Eighth U.S. Circuit Court of Appeals. In a brief filed March 27, Michael Brownlee, one of three attorneys representing Kelley, argued that the court violated Kelley’s Sixth Amendment right in denying him the chance to represent himself and also erred in not granting him substitution of counsel on the opening day of the trial. Brownlee declined to comment on the case via email.

The brief Brownlee submitted requests the court vacate Kelley’s conviction and give him a new trial.

Kelley’s case will be the fourth of five heard that morning at the Thomas F. Eagleton U.S. Courthouse, 111 S. Tenth St. in St. Louis, and each side will have 10 minutes to present their case to Judges William Jay Riley, Lavenski R. Smith and Jane Kelly. Assistant U.S. Attorney Jim Lynn, who tried the case against Kelley last year, is listed as the attorney for the U.S. in the arguments. It typically takes anywhere from six weeks to several months for a ruling to be handed down in appellate cases.

Don Ledford, spokesman for Tammy Dickinson, U.S. attorney for the Western District of Missouri, declined to comment on the case. “We need to make our case in court rather than making comments outside of court,” he said.

In an answer filed May 30, Lynn argues that Kelley asked for substitute counsel too late and called his request to represent himself “an effort to manipulate the court into appointing substitute counsel and continuing the case.”

The lower court “found that Kelley’s complaints were meritless where the record showed that counsel represented Kelley zealously and competently, and that Kelley himself contributed to any communications difficulties with counsel by failing to appear for a number of scheduled meetings,” Lynn wrote.

In his brief, Brownlee wrote that Kelley first requested another public defender one month before the trial started, again in writing the day of the trial before the jury was impaneled and when that was denied, wanted to represent himself.

Among his issues with his attorney, Troy Stabenow, Brownlee wrote that Kelley was concerned Stabenow was inconsistent with his responses to Kelley’s requests to test feces found at Ellis Library and his answers to Kelley’s questions about destroyed library surveillance footage. Brownlee also wrote there was a “breakdown in communication” between them.

Kelley is serving his sentence at a low-security federal prison in Texarkana, Texas, according to the Federal Bureau of Prisons.
Critics take aim at new federal contraception rules

By JORDAN SHAPIRO jshapiro@post-dispatch.org 314-340-8114

The Obama administration’s latest attempt to end the contentious battle over contraception coverage is facing resistance, as expected, from some of the most vehement opponents of the federal health law requirement.

New rules, announced last week by the U.S. Department of Health and Human Services, would allow religious nonprofits and some companies with religious owners to opt out of paying for birth control for female employees while ensuring that those employees still have access to contraception. The rules are a response to recent U.S. Supreme Court decisions in favor of opponents of the birth control mandate, including Hobby Lobby, a retail chain.

Although the new rules drew plaudits from pro-birth control groups, they earned condemnation from religious leaders, including Catholics and Lutherans, who object to providing insurance coverage for medicine in conflict with their moral convictions.

“While we’re still studying the details, the interim final rules do not go far enough, because they do not broaden the exemption from the mandate. Since the accommodation still appears to be crafted to result in the provision of abortifacients, it remains objectionable,” said the Rev. Matthew Harrison, president of the Lutheran Church-Missouri Synod, in a statement provided to the Post-Dispatch. Abortifacients are drugs that induce abortions.

The Archdiocese of St. Louis, which has sued over the coverage mandate, referred comment to the U.S. Conference of Catholic Bishops. That group’s president criticized the new approach.

“On initial review of the government’s summary of the regulations, we note with disappointment that the regulations would not broaden the ‘religious employer’ exemption to encompass all employers with sincerely held religious objections to the mandate,” Archbishop Joseph E. Kurtz of Louisville, Ky., said in the statement.

The Affordable Care Act requires most employers with more than 50 full-time workers to provide insurance coverage that includes access to contraception. But some religious organizations, including nonprofits such as hospitals or colleges and some for-profit companies, have fought that requirement in court citing moral objections to authorizing — and paying — for some forms of birth control.
Under the previous system, nonprofit religious groups had to inform the insurer or third-party administrator directly about any coverage objections.

But the administration’s new rule allows religiously affiliated nonprofit organizations to notify the federal government if they have an objection to providing employees with certain forms of birth control. The government would then notify the insurer, who would provide contraception coverage at no cost to the female employees or the organizations.

The continued opposition to the government’s rules drew scorn from Planned Parenthood’s top officer in St. Louis.

“Once again, we are reminded of the great lengths opponents are willing to go to put barriers between women and their birth control. To the majority of Americans, birth control is not a controversial issue,” said Paula Gianino, president and CEO of Planned Parenthood of the St. Louis Region and Southwest Missouri.

The administration also outlined a proposal last week that would allow “closely held” for-profit companies to exempt themselves from the coverage mandate under the same procedure as the nonprofits. That measure responds to the high court’s decision in a lawsuit brought by Hobby Lobby, whose owner objected to certain contraceptives. The court said such “closely held” businesses did not have to provide coverage for forms of birth control that ran contrary to their beliefs.

Josh Hawley, who was part of the legal team to represent Hobby Lobby in its successful court fight, said the new proposal is a good first step in that it signifies a “continued retreat by the government” in requiring companies to provide insurance coverage for certain contraceptives.

Hawley, who is also a law professor at the University of Missouri, said it’s too early to tell how the proposed rules would function and whether they would alleviate the concerns of businesses objecting to the coverage requirement.

The final determination on just how to define “closely held” corporations like Hobby Lobby could be key. The Department of Health and Human Services is taking public comments on such a definition, and a department statement suggests it could eventually include companies with a limited number of owners or those that are not publicly traded.

“It remains to be seen if it is actually going to work,” Hawley said.

The legal director of the American Civil Liberties Union of Eastern Missouri agreed that the new federal rules were an important step in the right direction, but for a very different reason.

Tony Rothert said the plan moves toward ensuring women have access to birth control despite their employer’s objections. The ACLU has filed several “friend of the court” briefs in support of requiring contraception coverage in various lawsuits challenging the insurance mandate.
“I think that if the result is that women have access to contraception, then that is a positive way to resolve this issue,” he said.

Rothert also said the administration’s new rules would not end the debate.

“The solution here will be for Congress to pass legislation that provides that employers may not invoke religion to deny employee benefits,” he said.

Insurers and employers that do not comply with the contraception insurance requirement could face fines of up to $100 a day per affected worker.

This report was prepared in collaboration with Kaiser Health News, an editorially independent program of the Kaiser Family Foundation.