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Missouri attorney general candidate fought records request

BY SUMMER BALLENTINE Associated Press

JEFFERSON CITY, MO. - A law professor and Republican candidate for Missouri attorney general has said his university emails and other documents are not subject to state open records laws, documents provided to The Associated Press on Wednesday show.

Emails provided to AP show University of Missouri School of Law associate professor Josh Hawley argued to university attorneys that his records don't fall under the Sunshine Law.

Hawley is running for attorney general, the statewide elected official whose office is in part responsible for enforcing the state's open records laws.

At issue is a May records request to the university from former Republican state Rep. Kevin Elmer, who asked for copies of Hawley's emails, documents from his work computer and a number of other records.

Elmer also requested emails from Hawley regarding Elmer's request and provided those documents to AP. He declined to comment further.
In the emails, Hawley said whether state open records laws cover public university faculty who don't serve as administrators or "perform administrative functions seems a very open question," calling current laws "at best ambiguous."

"It seems to me that the University may want to think very hard before turning over materials from individual faculty not related to University administration or governance," Hawley wrote in an email dated June 17 and addressed to members of the university's legal counsel and School of Law Dean Gary Myers.

Hawley cited academic freedom and concerns about intellectual property. Hawley announced his candidacy for attorney general just over a month later on July 24.

Paul Maguffee, an attorney for the university, responded to Hawley and said his emails and many other work records are subject to the Sunshine Law. He added that the statute "must be construed liberally to promote the state's policy of openness."

Democratic Attorney General Chris Koster has said he plans to run for governor in 2016, likely leaving the seat open. Republican state Sen. Kurt Schaefer of Columbia also is running for attorney general, which could mean Hawley faces a GOP primary.

Hawley said he supports the Sunshine Law and agrees that the university should comply with current Missouri statutes.

When asked by AP whether as attorney general Hawley would back public universities releasing emails from faculty — not only administrators — he said he would "vigorously enforce the Sunshine Law as it is written."

Hawley also said he supports expanding open records laws to apply to state lawmakers.

Missouri Press Association attorney Jean Maneke said the attorney general should be a "strong Sunshine Law advocate," otherwise the burden will fall on citizens to enforce the law.

"The attorney general's office is the central point in our state for Sunshine Law enforcement," Maneke said. "If we don't have a strong attorney general's office to enforce it, there's no champion for the Sunshine Law in the state."
COLUMBIA - New Missouri athletic director Mack Rhoades granted The Star a lengthy one-on-one interview ahead of his first fall on the job. He was hired in March and officially took the Tigers' reins April 27, but he's already had some important decisions to make in the 100-plus days in Columbia.

Rhoades, who previously served as the athletic director for the University of Houston, and his wife, Amy, are settling in at their new house along with daughters — Nicolette, Natalie and Noelle.

Here is a nearly 4,000-word transcript of our 40-minute conversation, covering topics that range from facilities to staff/coaching decisions to cost of attendance and, yes, the Border War:

**Question:** Let's start with facilities. What is the status of the south end-zone complex?

**Rhoades:** We had an initial meeting probably at the beginning of the summer really just talking about philosophy in terms of the facility with coach (Gary) Pinkel and myself, (director of football operations) Dan Hopkins and (executive associate athletic directors) Tim Hickman and Bryan Maggard. There may have been one other person.

The couple points I wanted to make sure were delivered, so everybody left that room on the same page, is to what level we want to build to this next facility. Everybody agreed that you get one time to do this and we need to do this the
right way. This needs to be a facility that hopefully will catapult us ahead and not just catch us up to people.

There are certainly some facilities out there, and we went through a big presentation on three or four that showed coach, ‘Here’s the level. Here’s what’s out there that we think are at the very, very top.’ And we’ve got to find a way to get there or surpass that. That was the first piece of it.

The second piece was: What do we want this football facility to include? Let’s not worry about where it’s located. But what do we want it to include. What are all the spaces? What are the square footages? All of those things. We had a template that had been prepared or already completed, so we went through that and really asked football to take that with them and to scour it and make sure these are the right spaces, the square footages are correct. We also provided some additional ideas and things.

Football — busy summer, people are out, et cetera — really is just getting back to us and saying, ‘Those spaces are correct’ or maybe ‘We would like for this to be a little bit bigger,’ et cetera.

Our next step is to get our master planner on campus, which I think we have coming on campus this month, to really present him this information and then challenge him to say, is the south end zone really the best place or are there other places.

Q: Where else could it go?

Rhoades: We talked about — and I’m not sure that it could, because there may not be enough real estate — but do you do anything on the north end? Still preserving obviously the M, but do you do anything there to help provide some mass to that end? You think about MATC (the Mizzou Athletic Training Complex), do you completely redo that? How does that factor in to maybe the indoor (football facility)? Does the indoor all the sudden maybe go from 80 to 100 (yards)? Or, does the indoor become home of indoor track and field and we build a brand new indoor?

Those are all of the conversations that we’re having. We just want to make sure that we’re putting it at the right place and really we get our most bang for the buck. It’s a building that’s extremely, not just wow factor, but that it’s extremely efficient for us.
Q: What are some other facilities priorities for you? Obviously, the Hearnes Center is a dinosaur, but is there an order of operations, so to speak?

Rhoades: Certainly, the priority is this football facility. I’d like them, candidly, to all be priorities and put them all at the same level. But part of what’s going to dictate what becomes priority is certainly our ability to raise money and fund each of the different projects.

Those that are on the list include, certainly, the Hearnes Center. It’s been a great facility, but it’s antiquated and we need to do something for those three programs that are there full time — wrestling, gymnastics and volleyball. We need to do something for our student-athletes and our coaches. We’ve got to figure out what we’d do with indoor track. I don’t necessarily like the fact that there’s all that separation with indoor track over here (at the Hearnes Center) and outdoor track over sandwiched between baseball and the old softball stadium now. That’s part of it.

We need to again look at MATC. That’s kind of the heartbeat for our student-athletes. It’s where our academic services are and our dining-hall services are. We’ve got several teams housed over there along with sports performance, sports medicine. We’re crowded, and that just needs to be upgraded, renovated. But we need to take a look at that.

Does some of the football stuff go there that we’re talking about? Does it not?

Q: You can get some relief there is football moves, right?

Rhoades: Certainly, if football moves out and goes somewhere else, if they go to the south end zone, that relieves some space. But we’d still want our football student-athletes to need to go to MATC if we did that. The dining hall and academic services would stay there, I think. That’s part of the student-athlete experience and making sure that our football student-athletes and our entire student-athlete population that they’re spending time with each.

If you talk to our football student-athletes, it’s something that I think’s important to them. Well, I know it’s important to them, and I know it’s important to us just philosophically.

We also need to figure out what we do with baseball. There’s been some money that has been invested into the stadium. Is investing another $10-15 million the
right thing to do? Or, do you do something like you did with softball and just completely move it? Then, we have an indoor tennis facility that we’re going to need to address one way or another in terms of either a renovation or an addition to it. So, those are all the initial items that are on our list.

**Q**: Pinkel had talked about wanting a full-length, indoor football facility before the south end-zone complex became a priority. Would that stay on the back burner or would want that included in any project?

**Rhoades**: The preference would be to try to get it all done at one time. There’s a lot of different models as to where you put these auxiliary facilities for football. When I say auxiliary facilities, I’m talking about the locker room and the team lounge and sports medicine, sports performance, coaches’ offices and meeting rooms. There’s some facilities that have those all connected to practice facilities and fields. There’s some that have them connected to the stadium. Here we’re a little bit geographically challenged. We have a major thoroughfare that separates the stadium and our practice area. That will be part of the master planning and how this puzzle fits best together.

**Q**: You’ve been here a little more than 90 days. Facilities are such an important part of the legacy of an athletic director. Is that something that you’re cognizant of or are you still getting your bearings?

**Rhoades**: There’s never ever been one job where I’ve thought about my legacy. That stuff takes care of itself. I’m not worried about that. I’m just worried about doing everything we can to position Missouri athletics as one of the best certainly in the SEC and as one of the best in the country. Trying to give our head coaches and our student-athletes all the resources necessary to compete at the highest level. That’s what I worry about. I’ve never once thought about what that means to me.

**Q**: What kind of price tag are you looking at for that ambitious list of facilities improvements?

**Rhoades**: If all the things that we talked about or we’ve mentioned, you’re looking realistically, depending on what you end up doing with baseball, you’re looking at probably $150-200 million.

**Q**: Do you have a sense of how significant a fundraising challenge that might be without a T. Boone Pickens or Texas A&M’s oil money?
Rhoades: Do I have a sense yet? No, and it’s probably good that I don’t. I still think it’s probably a little bit early in terms of getting that feel. We all understand, that’s an aggressive goal. That’s a big number, but we’re going to fight, scratch and claw to get there.

Q: There are bound to be people who say that, in such a tough economic climate and with the state’s economy struggling, aren’t there more important things to do with that money that another football stadium renovation?

Rhoades: For some people, that’s their opinion, and I’m certainly going to respect that. But if we really want Mizzou athletics to be one of the best in the country, those are things that we’re going to have to do. It’s necessary. Whether we like it or not, that’s college athletics today. You know, the great news is we’re in what I think is the best conference, the most competitive conference in the country. Well, that’s also the tough news as well. We’re going to have to do everything we can to fight, scratch, claw to keep up and to have facilities and budgets, et cetera, to the people that we’re expected to go beat every day.

Q: You’re working on a contract extension for women’s basketball coach Robin Pingeton. She has two years left on the current contract, so why is this the right time to consider an extension?

Rhoades: One, because we believe in Robin and we think that she is building a program and not just assembling winning teams year to year. She’s really building a program. You just think of the progress that’s been made under her. They had the most wins in programs history since 2005, so we’re pleased with the progress of the program.

That includes, certainly, what they did on the floor this year, but also the outlook for next season and the new student-athletes coming in, the recruiting class. I just think she’s doing it the right way and building a program that’s going to be very, very successful.

Again, I don’t think we want to get into a situation where we’ve got a head coach with one year remaining on their contract. That’s just a tough situation for everybody involved. But more than anything, she’s earned it. She’s really good.

Q: You were in that position with baseball coach Tim Jamieson and his contract situation when you were hired. You acted quickly to extend his
contract. What was it about Tim and the program that made you feel comfortable doing that?

Rhoades: I, we, really like Tim. He’s been a great representative for Mizzou athletics. He does things the right way. When you look at the other aspects of a program that are certainly equally important to us, meaning academic success, the discipline of the team, the character of the team, rules compliance — all those things, Tim does really well.

Now, we need the winning piece to follow. I think this past season, you saw an improvement in terms of the team and its success. We were either the first team out or the second team out (of the NCAA Tournament), so we’re right there, right on the edge of going to the postseason. I think we have some momentum with Tim.

You think about the recruiting class. It’s very positive, so Tim earned that. Being here, at that time I may have only been here 30 days or 45 days, I wasn’t sure that was real fair to Tim to do anything different with being here such a short timeframe. The other piece is maybe giving Tim a better opportunity by providing him a few more resource.

When you look at the way we fund our baseball program right now, it’s certainly not at the level of a lot of the other SEC schools. So, we’re trying to provide him with at least a little bit more, so maybe we can travel differently or he was able to go out and get an assistant coach that he really wanted and that he believed in.

Q: Did you give Jamieson any mandate along with that extension?

Rhoades: Yeah, win. Yeah, continue to do all the things that you’ve been doing, but now we’ve got to see success on the field continue to improve.

Q: Did you know Ryan Bradley before plucking him from Memphis as Missouri’s new senior associate athletic director of strategic communications?

Rhoades: I knew of Ryan, more of an acquaintance, but I as certainly well aware of his work. I think it’s really important for us to have somebody that eats, sleeps and breathes as our master communicator, that is really geared into how we message to all of our constituents — that it’s consistent and that it’s strategic. In Chad’s* defense, you can’t do that if you’re with football. Football is
overwhelming to be involved with that. Part of the requirement of hiring this position was, candidly we told them, ‘You won’t be working with football.’ You just can’t do it. Ryan won’t work with any sports. He’ll oversee the communications area and maybe some other areas, but he’s going to be extremely thoughtful of how we message, our brand and all those things.

* Editor’s note: Chad refers to current associate athletic director for strategic communications Chad Moller, who will remain with Missouri athletics as the primary contact for football.

Q: When will Bradley start?

Rhoades: He will start on Aug. 24. I think that’s the first day of school.

Q: Was hiring Steve Shields as a special assistant to men’s basketball coach Kim Anderson your idea to take some things off his plate?

Rhoades: I don’t think any one person can take ownership in that. I think it was probably Kim, (deputy athletic director) Wren (Baker) and myself — just all of us talking about how we maybe grow that staff a little bit and get Kim some help. Steve is somebody that has been through the battles, has been a head coach and is somebody that Kim can go to for maybe a different opinion or a different way of looking at something. I didn’t know Steve very well, but I certainly knew of him. We have some very close, mutual friends and certainly some acquaintances, and I think Steve will be a tremendous addition to the staff.

Q: What is your reaction to the NFCA’s public reprimand of softball coach Ehren Earleywine?

Rhoades: It bothers me. And Ehren knows that, because I’ve told him. Ehren and I sat down after the email incident. Ehren is an unbelievable competitor, and Ehren’s a good person. What makes him such a great and fiery competitor sometimes gets him into trouble a little bit. I think he’ll be the first to tell you, he’s got to grow in that area. There’s a time and place for it and how you do it. I have certainly challenged him that he’s got to learn the difference.

I want Ehren to continue to be fiery, passionate and a fierce competitor. I love that about him, but he’s got to be able to know when and how. There’s just certain situations where he needs to take a different approach, and he knows that. Like I said, we’ve challenged him to do that.
Q: You’re probably already sick of this question, but any movement in restarting the Border War? This year’s redshirt seniors were the last class to be part of that game.

Rhoades: I may not answer directly, but here’s my thoughts about it. One, when you look at the last four or five years in college athletics, some of the rivalries lost are certainly the downfall in the conference realignment piece.

In my opinion, the losers in that — the biggest losers — are the fans. Then, I also think it’s the student-athletes and the coaches. I think our student-athletes would love to play Kansas. I’m not going to speak for the University of Kansas student-athletes, but I think ours would. Every time you played, there was this heightened excitement, whether it was there or here, wherever. I’m hoping in the future that we can come to a point in time, where we can play again.

There’s a lot of things that are in play that certainly happened before my arrival and are probably out of my control. There’s probably some obstacles that (Jayhawks athletic director) Sheahon (Zenger) has that are probably out of his control. I’ve got great respect for Sheahon, and, hopefully at some point in time, we can play again.

Q: It seemed like your comments about the Border War when you started at Missouri in April really struck a nerve with KU boosters. Did you expect that kind of reaction?

Rhoades: That certainly wasn’t my intention to strike a nerve. I’m just speaking how I feel and the truth. I do. I still think the biggest losers in all this are our fans, both sides, and certainly, at least, speaking for our student-athletes.

Q: Have you had any conversations with campus leadership about how cost of attendance figures are calculated here at Missouri?

Rhoades: I haven’t personally, but our compliance people have and have been in conversations. Across the board, at every campus, the athletics department has nothing to do with setting that cost of attendance number. It’s the financial aid office. They’re regulated. They can’t just pick and choose, but there’s a formula that they have to use in terms of coming up with that full cost of attendance.
Like everything else, this is the first year and I think it will evolve. There’s some questions in terms of some of the areas that are factored in cost of attendance, and one of them is this kind of nebulous miscellaneous expense. Again, because we’re all so competitive, I think there will be more transparency in terms of the miscellaneous-expense component and how is that factored. Do we ever get to a point in time where it’s ever standardized across all campuses? I could see that happen in the future.

Q: Would you like to see it become a flat-rate type of thing or is that even feasible?

**Rhoades:** Not necessarily. I’d be in favor of more transparency in terms of how numbers are factored and just make sure that there’s a check system. Everybody’s going to use it as a recruiting piece. “Well, if you come here, you get ‘x’ amount of dollars more?” Well, you know what, the school that says I hope would also say that, “The reason why you’re getting more here is because it costs more here as well.” In terms of extra dollars, yeah, you’re getting that, but are those dollars getting you any further ahead than they do somewhere else? No, they don’t.

Q: Do you when Missouri athletes will get their cost of attendance checks?

**Rhoades:** Here, we will not give that amount up front all in one lump sum. We will do that over 10 months. We’re going to divide that amount over 10 months and add it what they already get for other things like rent. The total amount is $4,290. Then, we’ll divide that.

Q: Are you comfortable with how cost of attendance is calculated here at MU?

**Rhoades:** Yeah, absolutely, I’m comfortable. That’s not to say none of us wouldn’t like it to be certainly more, but we’re comfortable. Again, I think this will evolve somewhat and we’ll maybe get to a place where, especially on that miscellaneous expense component, there’s more transparency. In the SEC, certainly they’ve been great proponents of making sure there’s transparency.

Q: Do you think players and coaches understand that this is all based on federal guidelines and where these numbers are coming from?
Rhoades: I can only speak to us, but I think we’ve done a good job and over the summer months we’ve had a lot of conversation. But now that student-athletes are arriving back onto campus, we’ll be sure that we continue to reiterate federal guidelines. Here’s the other thing that we’re going to talk to our student-athletes about — financial responsibility.

Football has had somebody come in and talk and we may have that with some other sports programs, but we’re going to do something at the beginning of the semester with all of our student-athletes that talks about financial responsibility. How do you create a budget? How do you save? Some of our student-athletes haven’t had a checking account, but all of this now will be done electronically and will be put into an account for them. So, we won’t be handing our physical paper checks anymore. It’s a change, but I think the staff’s done a really good job of educating our student-athletes.

Q: Has anything caught you off guard these first few months? I know your predecessor, Mike Alden, was preparing a bunch of binders for you. I don’t see then, but did you feel well prepared?

Rhoades: Nothing I can talk about. [laughs] No, I don’t think there’s anything that’s been surprising. Property tax is much, much different here — to the good. I think it’s well chronicled that Mike, his 17 years and where the department was when he first got it and where it was or is now as he’s left it. The transition was really important to him as it was to me. In terms of information, I don’t think there were any surprises. Every place has its nuances and ways that it operates, so that’s something that I’m still learning and the staff is still learning about me. My style is different, but it has been a really good 90-100 days. I’ve really enjoyed it.

Q: Would you say you’ve spent an inordinate amount of time with men’s basketball at this point, considering that it’s one of the two main revenue sports and the state it was in as you inherited it?

Rhoades: I don’t know that I’ve spent an inordinate amount of time with any one particular sport. I think, if I really looked at hours spent, yeah, certainly football and men’s basketball would have been the two that I’ve spent more time with. I’ve probably had more conversations with coach Pinkel than other head coaches. I’ve probably had more conversations with Kim Anderson than other
head coaches. But I’ve made it a point to make sure that I’ve had conversations with all of our head coaches.

Q: How is wrestling coach Brian Smith taking the news that he may be losing his wrestling palace in the Hearnes Center?

Rhoades: I don’t think it’s any surprise and, you know, it depends on how quickly we can find a way to build a new arena. But we’ll make sure that he’ll still have his wrestling palace.