Missouri attorney general candidate fights records request

Missouri law professor, attorney general hopeful pushes back against request for emails

JEFFERSON CITY, Mo. (AP) — A Missouri law professor and Republican candidate for attorney general has argued his emails and other work documents aren't subject to state open records laws.

Emails provided Wednesday to The Associated Press show University of Missouri School of Law associate professor Josh Hawley argued his records weren't subject to the Sunshine Law.

Hawley says if elected attorney general he plans to "vigorously" enforce the law as it's written. The attorney general is responsible for enforcing compliance with state open records laws.

Emails from Hawley to university attorneys were provided to AP by former Republican state Rep. Kevin Elmer. He requested the information from the university along with years of Hawley's emails and documents from Hawley's work computer.

Hawley faces a likely GOP primary with Republican Sen. Kurt Schaefer of Columbia.

AUGUST 13, 2015

Why Kurt Schaefer is the scariest person in Missouri government

BY BARBARA SHELLY
If someone were to ask me who is the scariest person in the Missouri government right now, I would say Kurt Schaefer.

This is quite a distinction. The state Capitol, as we have learned, has its share of intern harassers and after-hours miscreants. Schaefer, the Republican senator from Columbia, is neither of those.

He is a different kind of scary — a politician with the talent and ambition to acquire power and a willingness to misuse it.

Schaefer is chairman of the Missouri Senate’s appropriations committee. That gives him an outsized voice in who or what receives state funding. He also is a candidate to be Missouri’s next attorney general. Those two roles have proven to be a dangerous combination.

Barely a week goes by any more without Schaefer setting off some type of tremor.

There he was on Thursday berating staffers at the state Department of Health and Senior Services at a “sanctity of life committee” hearing, grasping for some kind of irregularity in Planned Parenthood’s application to resume abortion services at its Columbia clinic.

There he was last month suggesting that the General Assembly should wipe out Kansas City’s earnings tax in retaliation for the City Council’s ordinance increasing the minimum wage.

And the legislature isn’t even in session.

**Schaefer’s frenetic activity has to do with his attorney general campaign. He has a GOP primary opponent, Josh Hawley, whose impeccable conservative credentials include arguing before the U.S. Supreme Court on behalf of “religious freedom” in the contraceptives case involving the Hobby Lobby stores.**

**Hawley teaches at the University of Missouri School of Law in Columbia, which has granted him a leave of absence without pay in order to campaign. The university is now juggling multiple Sunshine Law requests related to that decision. Schaefer’s allies want to know if Hawley received**
any undue consideration in obtaining the leave. Hawley's allies want to know if Schaefer hinted at budgetary consequences if the university granted the leave.

So far, there is nothing concrete to confirm either suspicion. But the early nasty tone of the attorney general's race has put Schaefer in pitbull mode.

A lawyer and former Missouri assistant attorney general, he entered political life as a moderate. He gained a reputation for being smart and pragmatic and landed the coveted appropriations chairmanship. He won re-election easily in 2012.

Then everything changed. Looking ahead to his statewide race, Schaefer made a hard, screeching turn to the right. And he began using his Senate chairmanship as political muscle.

When word got out in 2013 that the Department of Revenue was scanning driver's license documents, including concealed carry permits, into a database, Schaefer proposed cutting the budget of the motor vehicle division by a third. Better not to issue licenses at all than to violate the privacy of gun owners, he reasoned.

This year, Schaefer used the budget process to make Medicaid funding contingent on the state hiring for-profit managed care companies to administer much of the program. Using threats and sheer stamina, Schaefer got the legislature to go along with the dramatic change without hearings or even much information. The state is now trying to figure out how to make the transition work.

Schaefer's power-mongering is another toxic aspect of Missouri government. People inside of government are overly cowed by him. And people outside of government already are weighing the repercussions of donating to Schaefer's political opponent.

If Schaefer wants to make a stand for good government, he'll resign from his appropriations chairmanship to avoid the appearance of more power plays while he's running for attorney general.

If he won't — which seems likely — then the Senate's incoming new leadership should take the decision out of his hands.
High-protein breakfast may prevent body fat gains in teens

COLUMBIA, Mo., Aug. 13 (UPI) -- Even though breakfast is often referred to as the most important meal of the day, many teenagers skip it. Breakfast has already been shown in studies to help reduce the risk of obesity, but researchers have now found that eating a high protein breakfast can prevent gains of body fat and reduce daily food intake in overweight teenagers.

Large fluctuations in glucose levels have been linked to the potential development of type 2 diabetes, which researchers said can intensify health issues related to being overweight. About 60 percent of teens skip breakfast an average of 4 times per week, researchers said, making the health implications a potentially big concern for a majority of young people.

"These results show that when individuals eat a high-protein breakfast, they voluntarily consume less food the rest of the day," said Dr. Heather Leidy, an assistant professor in the Department of Nutrition and Exercise Physiology at the University of Missouri, in a press release. "In addition, teens who ate high-protein breakfast had more stable glucose levels than the other groups."

Researchers recruited 57 teenagers with a median age of 19 and body mass index of about 30 who skip breakfast between 5 and 7 times per week for the 12-week study. The teens were split into three groups. One group ate a high-protein breakfast of eggs, dairy and lean pork that contained 35 grams of protein; The second group was fed a normal breakfast of cereal in milk, which contains 13 grams of protein; and the third group was permitted to continue to skip breakfast as they normally would.

Participants in the study tracked how hungry they felt and exactly what they ate each day during the 12 weeks. Researchers checked body weight and BMI at the beginning and end of the study, as well as asking the teens to wear a device that tracked their blood glucose level.

At the end of the study, the group of teens eating a high-protein breakfast every day lost body mass and reduced the amount of food they ate each day by about 400 calories. The other two groups -- who ate either a normal breakfast or nothing at all -- gained body fat and had less stable glucose levels than the high-protein group.

"This study examined if the type of breakfast consumed can improve weight management in young people who habitually skip breakfast," Leidy said. "Generally, people establish eating behaviors during their teen years. If teens are able to develop good eating habits now, such as eating breakfast, it's likely to continue the rest of their lives."
High-protein breakfast helps teens cut calories

Eating a high-protein breakfast—containing 35 grams of protein—may help overweight teens who typically skip breakfast stabilize their blood sugar and eat fewer calories without feeling hungry.

The key to eating 35 grams of protein is to consume a combination of high-quality proteins including milk, eggs, lean meats, and Greek yogurt, researchers say.

“This study examined if the type of breakfast consumed can improve weight management in young people who habitually skip breakfast,” says Heather Leidy, assistant professor of nutrition and exercise physiology at the University of Missouri.

“Generally, people establish eating behaviors during their teen years. If teens are able to develop good eating habits now, such as eating breakfast, it’s likely to continue the rest of their lives.”

For the study, published in the Journal of Obesity, researchers fed two groups of overweight teens, who reported skipping breakfast between five and seven times a week, either normal-protein breakfast meals or high-protein breakfast meals. A third group of teens continued to skip breakfast for 12 weeks.

400 fewer calories

“The group of teens who ate high-protein breakfasts reduced their daily food intake by 400 calories and lost body fat mass, while the groups who ate normal-protein breakfast or continued to skip breakfast gained additional body fat,” Leidy says.

“These results show that when individuals eat a high-protein breakfast, they voluntarily consume less food the rest of the day. In addition, teens who ate high-protein breakfast had more stable glucose levels than the other groups.”

Large fluctuations in glucose levels are associated with an increased risk of Type 2 diabetes among young people, which can make health complications associated with weight gain more intense.
The normal-protein breakfast meal was milk and cereal and contained 13 grams of protein. The high-protein breakfast meals included eggs, dairy, and lean meat that contained 35 grams of protein.

Participants in the groups were instructed to report feelings of hunger and their daily intakes of food and beverages. Their body weight and body composition were measured at the beginning and end of the 12-week period. In addition, the participants wore a device that assessed minute-to-minute glucose levels throughout the day.

The research was funded by the National Pork Board’s Pork Checkoff.

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**Coaches association reprimands MU's Earleywine**

By Blake Toppmeyer

Thursday, August 13, 2015 at 2:00 pm

The National Fastpitch Coaches Association’s ethics committee publicly reprimanded Missouri softball Coach Ehren Earleywine “for questionable comments and actions over the last three years,” a reprimand that was detailed in the NFCA’s August newsletter.

The newsletter referenced Earleywine’s comments in the media, his testy email exchange last spring with Missouri State Coach Holly Hesse and his two ejections from games last season that resulted in suspensions.

The newsletter lists four instances in which the NFCA alleges Earleywine broke its code of ethics.

“These repeated episodes of unprofessionalism only hurt the profession of fastpitch softball coaching and set a bad example for our student-athletes,” NFCA Executive Director Lacy Lee Baker said in the newsletter.

Baker has been the NFCA’s executive director since 1994. She said this is only the second instance of a public reprimand during those 21 years.
Baker is the wife of Louisville assistant coach Jay Miller. Miller coached Missouri for 15 seasons. He was fired in 2002.

“I just carry out the business of the committee. The committee did not feel that that was a conflict of interest,” said Baker, who isn’t on the ethics committee and doesn’t have a vote.

Although Earleywine’s fiery demeanor sometimes lands him in hot water, his teams have been consistent winners. Missouri has made the NCAA Tournament in each of his nine seasons, and Earleywine entered the 2015 season with the 12th-best career winning percentage among active coaches.

The newsletter stated that if future violations are found, Earleywine might be suspended or dismissed from NFCA membership, which would prevent MU players or coaches from receiving NFCA awards.

“Many of Earleywine’s comments and actions have been in the mainstream media, resulting in embarrassment for the sport of softball, the University of Missouri and the Southeastern Conference,” the newsletter stated.

Earleywine, in a text message to the Tribune, declined comment about the reprimand.

The NFCA Code of Ethics, according to the newsletter, outlines professionalism for coaching behavior in four areas: commitment to the players, commitment to the institution, commitment to other coaches and commitment to umpires. The newsletter states that Earleywine, over the last three seasons, violated each of those tenants except commitment to the players.

“The committee just felt like something needed to be said to keep this from happening again, because they felt that the history of unethical conduct was what the problem was,” Baker said.

The newsletter referenced Earleywine’s comments in the Tribune after MU’s doubleheader split with Murray State in May 2012, calling his remarks about Murray State and one of its players “unprofessional.”

“Just beating Murray State is not acceptable,” Earleywine told the Tribune after that doubleheader. “We should run-rule those teams.”

Earleywine said of Murray State winning pitcher Chelsey Sullivan: “I can’t give any credit to the Murray State pitcher, I really can’t, because she was so common. It was our fault. We blew it.”

Also referenced by the NFCA was Graham Hays’ espnW.com column published in May 2014 that was critical of Earleywine.

In the column, Hays included a 2013 quote from Earleywine in which he described why he switched to coach college softball after starting his career coaching college baseball.
“I felt like I could get to the top much quicker in softball because of the diluted pool of applicants that I was going to be coaching against,” Hays quoted Earleywine as saying in 2013.

Earleywine’s most biting remarks came in his email exchange with Hesse that espnW.com revealed in a May 2015 story. Hesse, in an email to Earleywine’s director of operations, Lisa Simmons, accused Earleywine of violating NCAA recruiting bylaws and criticized the conduct of Earleywine and his players during an April game in Springfield. Hesse stated that MSU would not schedule Missouri in the future.

“The truth of the matter is you’re scared to get your ass whipped yet again by old mizzou,” Earleywine wrote in the email response to Hesse. “Have the courage to say what it really is and quit hiding behind your phony excuses. … If/when you decide to be a big girl, you know how to get ahold of me.”

After espnW.com’s story published, Earleywine apologized for his comments in a statement released by the athletic department.

Finally, the NFCA referenced Earleywine’s ejections last season. The first came April 12 against Mississippi State when he was ejected while arguing a call at first base with umpire Cindi Brunot. Replay showed Brunot got the call incorrect. Earleywine was suspended two games for making contact with Brunot, a violation of NCAA rule 13.3. Television footage appeared to show that Brunot first made contact with Earleywine and that he swatted her hand away.

Earleywine’s players defended his actions.

“I loved it,” shortstop Corrin Genovese said after the game. “I loved every second of it, because that was the worst call in America. And the fact that our coach has our back like that, we need to be playing with that amount of energy. If he cares about it that much, we need to be caring about it that much and more, because we’re the ones that get to play.”

Baker said in the newsletter that Earleywine’s bad example was “apparent when watching some of the Missouri players applaud his unsportsmanlike behavior with an umpire in the Mississippi State game.”

Earleywine also was ejected from an April 29 game against Northern Iowa while arguing a runner’s interference call. That resulted in another suspension, this one stemming from the SEC’s rule that multiple ejections within the same season yields a one-game suspension.

After that suspension, Earleywine stated a desire to clean up his conduct with umpires.

“When I competed, I was always in a mode of competitiveness, like fighting or battling, and so I come to the umpires and I’m already geared up,” Earleywine told the Tribune in May. “It’s something that I’m aware of. It’s something that I need to be better at. I need to mature through that and figure out how to deal better with my emotions.”
MU law school provides free legal advice to entrepreneurs

By Megan Favignano

Thursday, August 13, 2015 at 2:00 pm

The University of Missouri School of Law is working to provide free legal services to area entrepreneurs while giving students a chance to work with real clients.

The law school piloted its new Entrepreneurship Legal Clinic this summer with five students, and the class will officially start this fall.

James Niemann, the clinic’s director and an MU law school alumnus, said students will work with clients in teams of two. Students also will meet once a week to discuss professionalism, client interviewing and counseling, employment issues, intellectual property, risk management, contract drafting, entity planning and formation, corporate governance and other legal topics relevant to working with startups and innovators.

“A lot of lawyers get out of law school and practice in one particular area,” Niemann said. “They tend to specialize. When you’re representing startups, you have to have expertise and know-how in a lot of different areas.”

Students understand there is a growing need for lawyers representing startups, Niemann said. For that reason, he expects the clinic to draw more students to MU’s law school.

Cody Holt, who is beginning his last year of law school at MU, worked full time with the clinic this summer as a research assistant and will continue to do so this fall. Working with real clients, he said, has been beneficial. Law students don’t often have opportunities to communicate with clients, he said.

“I’ve gotten to work with 20-plus clients, dealing face-to-face with them and helping real people,” Holt said. “A lot of the time, you’re locked in a library during law school.”

Regional Economic Development Inc. gave the clinic a $15,000 grant, which will help fund its first year. The clinic’s annual expenses, MU spokesman Nathan Hurst said, will include Niemann’s salary and benefits, half of an administrative assistant’s salary and benefits — the
The clinic will share an assistant with another program — and Niemann’s travel related to the clinic. Budget specifics were not available by deadline.

The demand for patent and intellectual property protection lawyers has increased dramatically, Niemann said. The U.S. Patent Office received 615,243 patent applications last year, according to statistics provided by the office. The patent office typically received about a third of that each year two decades ago, with 206,090 applications reported in 1994.

Law schools, Niemann said, have been creating programs like the Entrepreneurship Legal Clinic to give students client experience — especially in intellectual property law.

“It’s hard to get the experience once you’re on the job,” he said. “Getting this experience before you get to the law firms helps the students immensely.”

Holt wants to go into corporate litigation after law school. The clinic has given him a chance to file documents with the state on behalf of a business as well as draw up contracts and other paperwork needed to start a business. “Experience is everything,” Holt said.

Although the school piloted the clinic this summer, Niemann said, there are still some logistics that need to be worked out this fall, including finalizing a list of criteria clients have to meet to qualify for the free services and completing the clinic’s website.

COLUMBIA MISSOURIAN

Roads closed to one-way for move-in weekend

SARAH FINE, 19 hrs ago

COLUMBIA — As students starting flocking back to Columbia this weekend, MU will manage traffic flow by temporarily converting several roads to one-ways. The following roads will be one-way only on Sunday, Tuesday and Wednesday:

ROLLINS STREET: One-way westbound between East Campus Drive and College Avenue and between Virginia Avenue and Hitt Street.

VIRGINIA AVENUE: One-way northbound.

HITT STREET: One-way southbound.
According to the MU Residential Life website, signs will be posted and MU police officers will help direct traffic. For residence hall-specific traffic maps, visit the Residential Life website: http://reslife.missouri.edu/movintomizzou-day

Just the Necessities

August 14, 2015

By Jake New

**NO MU MENTION**

Most college websites include “necessary information” about campus sexual assault policies, a new study found, but at many institutions, the content is difficult to locate and lacking in additional resources that could assist victims after an assault or help in prevention efforts.

“Although most colleges provide basic information about sexual assault policies and related resources, most don't go beyond that in terms of providing information that would be helpful to survivors of sexual assault and their support systems,” Emily Lund, a doctoral student at Utah State University and one of study’s authors, said. “Also, most of the information was reactive and focused only on the policy end of things, rather than focusing on creating a student body that is more aware of issues like rape myths and victim blaming.”

Lund and her co-author, Katie Thomas, a postdoctoral fellow in women’s mental health at the University of California at San Diego, partnered with a team of coders to examine the websites of 102 nonprofit four-year colleges and universities. Their findings were published last week in *Psychology of Women Quarterly*.

About 88 percent of the institutions included information related to sexual assault on their university websites. In more than 60 percent of the colleges, the information was found on pages devoted to campus safety and security. Slightly more than 45 percent of colleges included the information in university policy documents or in Clery reports, the annual summaries of campus crime data that the federal government requires colleges to release, while fewer than a quarter posted the information on student affairs
or counseling center pages.

Twelve percent of colleges did not include information about sexual assault anywhere on their websites, according to the study.

Many of those that did include sexual assault-related information had it scattered across various webpages, the authors wrote, often making it difficult or laborious to locate, even for dedicated coders who approached the sites with the specific intention of being thorough. Navigating through various pages for information would likely be more difficult for students who were experiencing emotional distress after an assault.

Some of the information was found by using Google search to scan for keywords in PDF documents, for example -- a method unlikely to be employed by a student looking for help.

“It is likely that many college students, especially those in crisis due to their own sexual assault or that of a friend, would not search through policy-heavy text to find information regarding sexual assault and sexual assault resources,” the authors wrote.

“Additionally, this information is unlikely to be viewed by university students who are seeking out sexual assault information preemptively but who do not wish to read the entire university policy on sexual assault.”

Other research has begun to show that many students may be unaware of where and how to locate campus sexual assault resources and policies. Earlier this year, a survey of students at the University of Michigan found that 70 percent of female undergraduates said they did not know where to find the university’s sexual assault policy online.

About 16 percent of female students said they were not even aware that the policy existed.

A white paper presented at the International Association of College Law Enforcement Administrators’ annual meeting last month argued that the channels available to students for learning about or reporting sexual assault should be easily found on a college’s website. The information should be no more than four clicks from the home page, the paper stated. A 2009 study also found that most college websites only included sexual assault polices and little in the way of resources or prevention efforts.

The type of information included on the web pages in the new study varied. Most colleges -- about 70 percent -- defined sexual assault, and made clear that there are different kinds of assaults other than vaginal penetration. Fewer than one-third defined consent, however.

That omission troubled the researchers, Lund said, as there continues to be confusion on college campuses about what constitutes as consent. Many colleges have recently adopted new policies using what is called “affirmative consent.” In some states, such as California, that definition of consent is now law for colleges, and it is defined as “an affirmative, unambiguous and conscious decision by each participant to engage in
mutually agreed-upon sexual activity.”

Such a definition should be easily found on college websites, the authors wrote. “Most of the colleges in our study provided information on what to do in the immediate aftermath of an assault, such as not showering, changing clothes or going to the bathroom, relatively few had information on what the psychological or emotional effects of the assault might be,” Lund said. “Providing information like this could help survivors reach out for help without feeling alone or like their experiences are unusual. Also, directly addressing issues like affirmative consent, victim blaming and rape myths could help create a better informed student body overall.”

August 14, 2015

New Campus-Safety Assessment Tool Aims to Help Colleges Help Themselves

By Sarah Brown

A new campus-safety tool for colleges is being touted by some administrators and experts as a unique strategy for helping every higher-education institution understand and carry out best practices on issues like alcohol, hazing, and sexual violence.

The effort is part of the 32 National Campus Safety Initiative, which made its debut here on Thursday at George Mason University. The self-assessment tool is free for colleges, and involves a series of confidential surveys that cover nine "focus areas." The alcohol-and-other-drugs survey asks, for instance, whether parents are notified when a student violates a college’s alcohol policies, and whether campus police departments collaborate with local law enforcement in combating drunken driving. Once at least 100 colleges have completed the assessments, aggregate data will be compiled from the responses, divided up by institutional size and type, and published on the project’s website as a comparison tool for colleges, as well as students and parents.

The VTV Family Outreach Foundation, established in the aftermath of the 2007 shootings at Virginia Tech, has sponsored the effort, which began to take shape three
years ago. A team of 10 campus-safety and legal experts volunteered dozens of hours to work on the project. At first a rating system was planned, but that idea was dropped in favor of an approach centered on helping colleges, said Peter F. Lake, a law professor at Stetson University and chairman of the council that developed the surveys.

Officials at several colleges that participated in a pilot of the program say the tool makes a lot of sense. They called it relatively easy to use, free, and helpful. If a college signs up, its staff members in the relevant safety fields — such as an alcohol-abuse counselor or the police chief — complete that particular survey. A senior administrator oversees the effort.

S. Daniel Carter, director of the project and a longtime campus-safety advocate, said the assessment could be completed "in as little as half a day."

The University of Florida, one of the pilot colleges, took a bit longer, convening teams that included faculty members, students, and parents to work on each survey.

The university has about 50,000 students, and the campus was already up to speed on most of the resources and procedures outlined in the surveys, said Jen Day Shaw, the institution’s associate vice president and dean of students.

Given Florida’s size, she said, "our biggest challenge area is communication." The surveys, Ms. Shaw said, helped bring people together from largely segregated campus departments to talk about each question and to iron out policy inconsistencies across the university.

The assessment can assist large public universities as well as small private colleges, Mr. Carter added. "We’re not saying, Hire X more counselors, when an institution might not be able to do that," he said. "We’re saying, Look at what mental-health resources you’re able to provide and maximize that, or work with community resources to make sure your campus has what it needs."

What remains to be seen is how much of an impact the tool will have in the broader landscape of higher education. Dozens of consulting firms already offer colleges checklists and suggestions on, for instance, meeting campus-safety benchmarks for combating alcohol abuse or complying with mounting federal and state regulations on sexual assault.

But the surveys are different, Mr. Lake said, because consultants aren’t imposing information on colleges and charging a fee. College officials will have to teach
themselves, he said, and then make an informed pitch to institutional leaders about where to devote more funding and resources.

Mr. Carter emphasized that the project would encourage colleges to move past a compliance-centered culture and simply meet minimum standards.

As of Thursday morning, a few hours after the surveys went live, three dozen colleges had signed up. Ms. Shaw said she was encouraging the State University System of Florida’s institutions to take the assessment.

Mr. Carter said he was not worried about colleges' buying in. They are "hungry" for such assistance to improve safety on the campus, he said, and the ultimate goal is to make the assessments "as universal as anything in higher education."