Competing forces look to raise the Missouri cigarette tax

BY SCOTT CANON
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Time and again, Missouri voters chose to keep the state’s cigarette tax the lowest in the land.

Yet no fewer than three competing groups spent this summer plotting how to again ask Missourians to boost the cost of a pack of smokes.

Naturally, none of the groups thinks much of what the others are pushing. Instead, they’re employing gamesmanship to rally as many backers as possible behind their measures — and to discourage support of the competition.

Some analysts figure only one proposal will ultimately make it to the November 2016 ballot — the one most likely to garner support from anti-smoking groups that have tried, and failed, in past years to crank up the tax.

The choices offered to voters could turn on how those monied forces line up in the next few weeks.

One convenience store group is floating a plan to add less than a quarter to the cost of a pack. Saying it’s tired of fighting off big tobacco tax boosts, the organization proposes a small one.

Advocates for a suite of early childhood programs want to add 50 cents to the cost of a cigarette pack. They’re toying with multiple proposals — dangling bait that might exploit divides within the tobacco industry or that could recruit other influential allies.
A third group would slap a full dollar on the price of a pack, promising the money for college scholarships and employing the considerable political clout of the state’s higher education establishment.

Ballot efforts to raise the 17 cents-per-pack tax fell to defeat in 2002, 2006 and 2012. But the last campaign lost by less than a percentage point.

“The politics are trending toward increasing it,” said Peverill Squire, a political scientist at the University of Missouri. “The question is by how much.”

And, just as critically, where will the money go.

Analysts say time is already running short. Ballot language must be approved by the Missouri secretary of state, typically a two-month process. Then the proposals must withstand likely legal challenges from opponents. Next comes the labor-intensive and expensive — most estimates range north of $750,000 — work of collecting nearly 100,000 signatures before a May 8 deadline.

To persuade donors to contribute to a signature-gathering effort, the various camps must also persuade them they’ll ultimately round up enough cash to win next fall. Such a campaign, experts say, would need at least $5 million.

More immediately, the groups find themselves trying to elbow aside the efforts of the others.

Convenient idea

The Missouri Petroleum Marketers & Convenience Store Association proposes bumping the tax by 23 cents. It would direct the money either to road construction or general state revenues. The plan draws skepticism in the state’s political circles.

“It’s a bargaining chip,” said Republican political consultant James Harris.

It’s largely perceived as a bluff by the cigarette sellers to see if the other groups might shoot for a lower increase. In return, backers of the competing proposals might form an alliance with the convenience stores that spent so heavily to beat past tobacco tax-boost plans. Its ubiquitous outlets also work as pulpits to argue that steeper prices would hurt small businesses.
Ronald Leone, the executive director of the group, said he’s tried to trigger an “adult conversation” about an alternative to “unfair and outrageous” increases in the state’s cigarette tax.

If the other groups ratchet down their proposals, he said, the convenience stores might join forces or at least agree to sit out the campaign. Failing that, the organization’s 23-cent tax boost could go on the ballot and tempt voters to choose the lowest increase.

“Our ultimate goal is to put this issue (a cigarette tax increase) to bed for the foreseeable future,” Leone said.

Multiple choice

Raise Your Hand for Kids proposes a 50-cent tax boost to raise money for health and education programs for the first five years of life — including diaper vouchers for pregnant women who complete smoking cessation classes.

So far, that group has submitted six differing petitions to the secretary of state. Partly, it’s exploring which ideas will produce ballot language that would appeal most to voters. Partly, it’s looking to see which other groups might back its cause.

For instance, one proposal would leave state law untouched on what special fees tobacco companies must pay stemming from a 1998 settlement over marketing their cancer-causing product. The companies agreed to make payments based on their annual national cigarette sales.

That status quo proposal favors newer, smaller cigarette makers who weren’t parties to the compact and don’t have to pay into the same anti-smoking efforts and other funds.

Those mostly discount brands represent a far larger part of the market in Missouri than they do in other states, where they’re treated the same as companies that were part of the settlement. Consequently, agreeing to leave the law alone might draw the support of so-called Small Tobacco.

Big Tobacco might be inclined to back another proposal drafted by the group if it changed the law.

Or one of the two might agree merely to sit out the campaign in return for steering one direction or the other.
“Having the different options strengthens our negotiating position,” said Erin Brower, the executive director of Raise Your Hand for Kids. “We’re in a three-way primary. The tobacco tax, since it is the lowest in the nation, you can understand why different interest groups are going to want to go after it.”

She argues the convenience store proposal is simply too low to discourage smoking. She contends that the colleges’ $1-a-pack tax asks more than Missouri voters are willing to raise the tax — particularly when smokers are disproportionately poor and college students tend to come from wealthier families.

Campus clout

Finally, the Missouri Promise Initiative is just a few weeks old. It’s yet to conduct polling or hire a consultant.

But its president, St. Louis lawyer Dudley McCarter, says the group has rounded up pledges of $200,000. More critically, it boasts backing from the state public university and community college associations and corporate alumni.

University of Missouri System President Tim Wolfe has given speeches endorsing the $1-a-pack increase for scholarships. He declined, through an assistant, to comment for this story. In response to a legislator concerned that he was using his public position to push for a tax increase, Wolfe wrote “I will not be using University of Missouri resources in my support of this important initiative and will take personal time off for these activities.”

The push is also backed by Clint Zweifel, the Democratic state treasurer, and state Attorney General Chris Koster, the leading Democratic candidate for governor.

The group estimates the tax boost would raise about $340 million its first year (a figure likely to drop as smokers quit or stop shopping in Missouri for cheaper cigarettes). The scholarship money would be available to students who graduate from high schools in the state and pursue higher education in Missouri.

McCarter said the convenience store group is “just playing a strategic campaign to mess things up.” Raise Your Hand for Kids pushes a worthy cause, he said, but “we’ve got more civic boosters ready to back us than them.”
He’s also confident that traditional anti-smoking groups will joint the tax-for-scholarships camp partly because the higher surcharge would do more to discourage cigarette use.

One key group, the American Cancer Society Cancer Action Network, declined to comment on the coming campaigns.

Harris, the Missouri political consultant, said whether and where health-oriented groups pledge their money this year could determine how many tax-boost proposals show up on the ballot and which might fare best with voters next year.

“You want to have a certain amount in hand,” he said, “and know you have some reliable sources.”

Sole voter on proposed sales tax hike against such increases

Sept. 2, 2015

COLUMBIA, Mo. (AP) — The only resident registered to vote in a downtown business district in central Missouri said she would have voted against a proposed sales tax increase if officials had allowed the election to go forward.

The Business Loop 70 Community Improvement District board decided Monday to delay the election planned for August 2016 since there would be a single voter on the issue. The district had sought to raise about $220,000 through the half-cent sales tax increase.

Jen Henderson wasn’t registered to vote in November when the district’s boundaries were drawn to exclude any residential areas. Not having a resident in the district would have allowed property owners to decide the sales tax question. Leaders of the district had overlooked a University of Missouri-owned guesthouse where the 23-year-old lived.

Henderson had registered to vote in February and told the Columbia Daily Tribune (http://bit.ly/1fUUH0z ) that for as long as she lives within the district’s bounds, she will vote “no” on a proposed sales tax increase.
"I really have no want or need to negotiate," Henderson said.

An increase would hurt nearby residents, many of whom are poor, she said. She added that she's not comfortable with property and business owners levying taxes to fund projects that don't directly benefit residents.

District board members have said that they can't afford to redraw the boundaries since the district is more than $100,000 in debt.

Board member Dave Griggs called Henderson's stance a "very regrettable decision," but said that "it's a free country, and she can do what she wants."


COLUMBIA MISSOURIAN

MU fraternities to ban hard alcohol at their houses

JACK WITTHAUS, 12 hrs ago

COLUMBIA — Remember those Greek Life proposals — like banning women from fraternity houses during certain hours — proposed earlier this summer?

Only one has survived.

About a week before the fall semester started, MU's Interfraternity Council announced it had updated its alcohol policy and that hard liquor would be forbidden at MU fraternity houses effective immediately. The hard booze ban was enacted after months of research and debate at the IFC and followed a presentation and discussion at the Chancellor's Summit on Sexual Assault and Student Safety in Greek Life in June.

Per the IFC policy, hard alcohol is defined as a drink with an alcohol content greater than 15 percent. The policy bans hard liquor (example: vodka) and grain alcohol (example: Everclear).
Beer and wine? They're still fine.

Fraternity houses will be subject to random “audits,” which are visits from a third-party security company, to make sure the rules are being followed. Audits aren’t anything new and have been used in the past to enforce previous policies. Audits reports are sent to IFC for review.

Parker Briden, a spokesman for IFC, said the new alcohol policy aims to create a realistic set of rules, reduce overindulgence and take a step toward combatting sexual misconduct, according to the IFC alcohol proposal document. It's also simpler.

There's “zero tolerance” now for any policy violations, meaning all violations will be passed to the MU Office of Student Conduct for discipline. In the past, it was unclear what kinds of violations had to be passed on.

The audit system has been improved as well, Briden said.

Because the policies were created with a lot of input from fraternity presidents, Briden said he believes there's buy-in and that the policies will be effective.

The proposed alcohol ban was just one of a set of controversial proposals from the MU Fraternity Alumni Consortium, a group of men who serve on MU fraternity housing boards or as fraternity advisers. The proposals included:

- A ban on any alcohol except beer at fraternities
- A ban on fraternities hosting out-of-town formals
- A drug-test requirement for in-house members of all Greek organizations
- A ban on women in fraternity houses between 10 p.m. and 3 a.m. Thursday, Friday and Saturday nights, in addition to the entirety of syllabus week and "Reading Day" every semester

The proposal to ban women from fraternity houses drew the strongest reaction, especially on social media. Twitter accounts such as @stopLoftin and @SaveMUGreekLife gained hundreds of followers as the accounts channeled displeasure about the proposals. The Panhellenic Association released a letter in April criticizing some of the proposals, saying that the
proposals made female visitors feel as if they could not make choices for themselves and characterized "women (as) counterparts inferior to the fraternity men."

The Fraternity Alumni Council quickly retracted the proposed curfew on women. Before the summit, Ted Hellman, who acted as the consortium's spokesman, said the idea of banning women was never considered and blamed social media for taking the consortium's proposals out of context, according to previous Missourian reporting.

A June summit to address sexual assault in MU Greek Life gave more attention to the proposals. The event attracted about 250 people but was closed to the media.

So far, the other proposals discussed at the summit seem to have gained little traction.

“(The beer-only proposal) was the proposal people agreed with,” Briden said. “It was a reasonable step.”

Panhellenic Association spokeswoman Carolyn Welter said IFC executive leaders were passionate about banning hard liquor.

Ending hard alcohol might be met with mixed emotions, Welter said. But she believes the purpose of the new policy is in the interest of student safety.

She also thinks IFC will be able to enforce the policy.

“They know their community the best,” Welter said.
Mobile App by MU Doctor Brings Fitness Tracking into the Exam Room


As mobile health technologies like Fitbits and Apple Health become more common, better health seems inevitable. But much of the data that users can now track never actually reaches their doctors.

That’s one of the problems University of Missouri psychiatrist Dr. Ganesh Gopalakrishna faced while treating his patients with various mental illnesses. While some of his patients were logging their activity, both mental and physical, he couldn’t get a good record of it.

"If you think about it, there's a lot of data out there about activity levels, and sleep from these fitness tracking devices, and it's very useful for health care providers,” Gopalakrishna says, “but we hardly ever see that data at all because it's not accessible in the workflow of physicians.”

So about two years ago, he began developing a mobile app called MoodTrek. The app combines two parts: mood tracking, which helps users understand patterns in mood and mental illness; and fitness tracking, which helps users understand how their fitness levels affect their mood. Then it sends that information straight to the doctor.

To make this automatic send off possible, Gopalakrishna teamed with researchers from Missouri University of Science and Technology and the Tiger Institute for Health Innovation.

They partnered the app with the Kansas City-based Cerner Corporation, the health information system used by the University of Missouri. That's how information from the app can go directly to the doctors. It’s also why it is currently only being used by doctors who use Cerner systems.

But it couldn’t just be a method of transferring data. Gopalakrishna wanted more of his patients to get the benefits of tracking their own health as well.
Kody Inhat, a senior at MU, has been using the app since January to help her manage her depression.

Inhat manually inputs her mood by picking one of several smiley faces. These represent emotions like happy, sad and neutral. Then, she can journal about how she is feeling to give more insight into the emotion.

"Oh, I just did great on a test, I'll log that as a high note," Inhat explains. “Or, crap, my dog just died, you know, log that.”

Inhat also has a Fitbit that she syncs to the app that tracks her steps, sleep and other health patterns. And all that information goes directly to her psychiatrist whenever her phone is connected to the Internet.

“When patients see that when they’re sleeping well or having good amount of activities, their mood gets better, they're likely to improve their lifestyle and help themselves,” Gopalakrishna says.

The information is useful for doctors as well, who can use it to help give their patients better treatment.

Dr. Gbolohan Oyinloye, a psychiatry fellow at the University of Missouri who also uses the app in-clinic, says that having access to this kind of information helps him prescribe medications more objectively.

"We tend to fall into that trap sometimes by increasing the dose of medications because someone has had a bad week,” Oyinloye says. “Or the opposite could be true, sometimes we could be trigger happy and reduce the dose of medications because someone had a good week.”

The app still only has limited users, with just a few hundred downloads for Android phones. But while the team works on expanding the technology to more doctors and patients, it's already helping current users like Kody Inhat. She says that just inputting her mood every day helps her cope with her depression.

"It forces you to evaluate how you're feeling on a day. And forces you to think, okay why am I doing okay, what's going well, what's doing bad."

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**This App Will Call The Police If You Let Go Of Your Phone**
Zach Winkler was a senior at the University of Missouri when he began to notice that a lot of women at his school felt unsafe. Moreover, the hundreds of blue poles around campus -- affixed with buttons to call security in case of an attack -- weren't solving the problem. When he looked at data released by the school, he noticed that students rarely used the buttons.

"If you're scared, then you're not going to want to run and stand at a pole," Winkler explains to The Huffington Post.

So, he rallied three friends to help build a smartphone app that students could use quickly and quietly to summon help. The developers loaded their creation into Apple's app store as an experiment.

That was two years ago. Since then, their app, SafeTrek, has established itself in the increasingly crowded space of personal safety apps, garnering over 250,000 users -- nearly all of them young women -- across the United States.

To use SafeTrek, you open it during your walk home, for instance, and keep a finger on the screen's sensor, a process the company calls "hold until safe." Removing your finger triggers a screen asking for a four-digit code. If you enter the code, that's your signal to the app that you've made it home safely -- if you don't, SafeTrek calls the police and sends them to where you are.

Though mobile phones already make it pretty easy to call 911 for help, an operator might have trouble pinpointing your location if you're in a situation where you can't speak. Operators can use positioning data from phone towers, but that isn't always precise. Apps like SafeTrek, however, can use your phone's built-in GPS to find your exact position and convey that information to police.

Similar services -- like Guardly, Circle of 6 and Panic Guard -- use GPS or other mapping systems to allow friends and family to track you. Others, like MyForce, employ a separate security team to respond to calls. There are even digital panic buttons, which turn your phone into a screeching alarm if necessary.

Most of these services are targeted toward women, capitalizing on the fact that a lot of women feel scared while walking alone at night. Ninety-five percent of SafeTrek's users are women, and most of them are young -- about half the app's subscribers are 18 to 24 years old, and 20 percent are between 13 and 18. The app charges its users $3 per month.

People who use SafeTrek are often drawn by a specific concern. For example, after a realtor was killed in Arkansas last year, Winkler noticed realtors across the country signing up for the app.

Yet, walking down the street with your finger glued to your glowing cell phone screen seems like a conspicuous way of managing your personal safety. I asked Winkler if he felt that the process of using the app might exacerbate his users' fears.
According to Winkler, a lot of users already report experiencing post-traumatic stress disorder or extreme anxiety -- it's what draws them to subscribe to the app in the first place. "What we've found is that just holding the button helps relieve a lot of anxiety," he says.

Jessica Pruehs agrees. She first downloaded SafeTrek while attending a community college in Huntsville, Alabama. Living alone, "I felt like I needed something," she says.

The app came in handy one night when her doorbell started ringing repeatedly. As she walked down the stairs, she drew up the SafeTrek app and put her finger on the button. No one was at her door, but when she started walking back upstairs she heard someone trying to break in. That's when she released her grip.

When the police arrived, they didn't find anyone at her house. But that hasn't stopped Pruehs from keeping the app handy as a precaution, which she does every night while walking her dog. "It just makes me feel better," she says.

As part of its latest project, the SafeTrek team is plotting the 7 million points of data the app has gathered thus far, locating hot spots where people often feel unsafe. Their hope is that this info could be used by police departments or campus security.

"Maybe it's installing an extra security light? Maybe it's more security patrols? Either way, there should be a way to make people feel safer," says Winkler.

**COLUMBIA MISSOURIAN**

Brain training program to open in Columbia offers hope to families

LIYING QIAN, 13 hrs ago

COLUMBIA — Brain Balance Achievement Center, a national network of franchise operations helping 4 to 18-year-old children overcome attention deficit hyperactivity disorder, dyslexia, Asperger's syndrome, autism and other disorders, is opening a Columbia franchise on Friday at 2703 E. Broadway.

The program is built upon an approach of sensory, motor and cognitive exercises and nutritional guidelines to strengthen what it calls the weak hemisphere of the brain. Columbia center director
Krista Jones said in an email that families will have take-home exercises to continue stimulating the weak side of kids' brains under trainers' instructions.

The integrated treatment, the company says, can "correct the underlying imbalance and achieve measurable, long-term changes in your child's behavior and academic performance."

The program claims that children's behavioral, learning and developmental disorders are a result of the disconnection between the two hemispheres of their brains, which is called "functional disconnection syndrome."

Brick Johnstone, an MU Health Psychology professor and neuropsychologist with 25 years of clinical practice, said he wasn't aware of any research that supports the theory.

The company's website lists three white papers authored and co-authored by Robert Melillo, Brain Balance's founder and a chiropractor. In addition, the website lists 18 documents in a page called "research." Of the total, six are reviewed articles published by academic publications and four are academic research papers. The other documents are: three news articles, one book excerpt, two research reviews, one Wikipedia excerpt and one study abstract.

Carolyn Pridemore, a teacher at Southern Boone School District in Ashland, and Todd Pridemore, a minister at The Baptist Home in Ashland, co-own the Columbia Brain Balance Center. Last year, they enrolled their middle son, Andrew, who was diagnosed with ADHD and Asperger's syndrome, in the Brain Balance program in Overland Park, Kansas.

Andrew's symptoms diminished after six months of training in the program, Carolyn Pridemore said. She also said working with many kids struggling to read every day made her recognize the local need for services to help troubled kids reach their physical and academic potentials.

"We wanted to be able to help families like ours," Carolyn Pridemore said. "This program provides a new way (to help kids with neurological disorders) for Columbia."
She explained functional disconnection syndrome this way: "When one side is functioning at a higher level than the other, you will see behaviors such as ADHD, processing disorders and other neurological disorders."

This medication-free treatment begins with an assessment that tests a child's motor skills, reading ability and how he or she visually and verbally processes information. Then, the program will develop a treatment plan for each child based on his or her assessment results.

"They (learning, behavior and developmental disorders) relate to thinking, relate to the brain, but saying that it's an imbalance between the two hemispheres of brain is over simplistic," Johnstone said. "It's probably inappropriate. I'm not aware of such a theory, and I'm not aware of any research that supports that theory."

The company has opened 82 franchises across 28 states during the past 10 years.

Columbia Brain Balance has hired three full-time and four part-time staff members. Carolyn Pridemore said the staff expertise includes nursing, nutrition and special education. All have experience working with children with special needs and their families.

Full-time staff has been trained by Mark Goldenberg, a chiropractic neurologist in New York City, for two weeks. Part-time staff is being trained by full-time staff, staff at the Overland Park Brain Balance and corporate trainers.

"The biggest thing we need is the deep passion for kids with special needs and the desire to change their lives," Carolyn Pridemore said.

A three-hour assessment will cost $195. Parents will go over the assessment report with the center director and decide whether the program is a good fit for their family. The treatment includes more than 72 training sessions, with 36 sensory and motor-focused sessions and 36 cognitive-focused sessions.
Children will come to the center three times a week for at least 12 weeks. Each session runs for one hour. The length of each program depends on the assessment results and recommendations by the program director. The cost of treatment will vary on a case-by-case basis.

Carolyn Pridemore said parents could pay by installments or seek financing from their banks or Your Tuition Solution, a K-12 education loan program that provides families with various payment options. There is also a discount plan available.

"We do not offer a 'cure,' but we do offer hope to families who choose to partner with us that their child can improve through this program socially, behaviorally and academically," Jones wrote in the email.

About 20 kids have signed up for assessment so far. Jones said the first assessment was scheduled for this week.

![Image](http://www.komu.com/player/?video_id=30320&zone=5&categories=5)

**New study calls "authenticity" of Mexican food into question**

Watch story: [http://www.komu.com/player/?video_id=30320&zone=5&categories=5](http://www.komu.com/player/?video_id=30320&zone=5&categories=5)

COLUMBIA - A new study released Wednesday calls into question the authenticity of Mexican food, and how it is perceived in the United States.

MU sent out a news release Wednesday, publishing some of the key findings from that study. MU sociologist Stephen Christ gathered data on Mexican restaurants and said it is not in a restaurant's power to claim whether its own food is authentic.
"The power to define something as authentic rests not with the restaurant owner but rather in the hands of mostly white, American consumers who have had little experience or knowledge of Mexican food or traditional styles of preparation," Christ said.

Jose Jalapeno's owner Megan Hernandez disagrees with some of the major points brought up in the study. The study said many consumers base their opinions on Mexican food by the type of foods they eat at home or at fast food establishments.

Hernandez said her customers use a different basis for forming their opinions of the food. Hernandez said no matter where a person is from, they seem to agree on the authenticity of food at her restaurant.

"They would say to me, 'this reminds me of being back home,' Hernandez said. She said customers from the United States tend of agree with that sentiment, too.

She said customer's have told her: "This particular dinner reminded me of our trip."

Hernandez and her husband opened up the restaurant in south Columbia back in 2013. She said the staff does everything it can to preserve the cuisine and culture of Mexico.

Hernandez said there is a big difference among different types of food establishments including fast food, Tex-Mex and full-service Mexican restaurants.

A manager at La Siesta in downtown Columbia said another factor that could cause some confusion over perceived authenticity is that different parts of Mexico have different types of food.

The study does look at other factors, including how these restaurants can affect the perception of other cultures.

Less depression among older women who forgive

Forgiveness is a complex process, one often fraught with difficulty and angst. New research finds that older women who forgave others were less likely to report depressive symptoms regardless of whether they felt unforgiven by others.
Older men, however, reported the highest levels of depression when they both forgave others and felt unforgiven by others.

The researchers say their results may help counselors of older adults develop gender-appropriate interventions since men and women process forgiveness differently.

“It doesn’t feel good when we perceive that others haven’t forgiven us for something,” says Christine Proulx, study coauthor and an associate professor at the University of Missouri College of Human Environmental Sciences.

“When we think about forgiveness and characteristics of people who are forgiving—altruistic, compassionate, empathetic—these people forgive others and seem to compensate for the fact that others aren’t forgiving them.

“It sounds like moral superiority, but it’s not about being a better person. It’s ‘I know that this hurts because it’s hurting me,’ and those people are more likely to forgive others, which appears to help decrease levels of depression, particularly for women.”

Proulx and lead author Ashley Ermer, a doctoral student in the department of human development and family science, analyzed data from the Religion, Aging, and Health Survey, a national survey of more than 1,000 adults ages 67 and older. Survey participants answered questions about their religion, health, and psychological well-being.

Proulx says they studied forgiveness among an older population because of the tendency among older individuals to reflect on their lives, especially their relationships and transgressions—both as wrongdoers and as those who had experienced wrongdoing.

“As people get older, they become more forgiving,” Ermer says. “Our population also predominately was Christian, which may influence individuals’ willingness to forgive and could function differently among individuals with different beliefs.”

The researchers found men and women who feel unforgiven by others are somewhat protected against depression when they are able to forgive themselves. Yet, the researchers said they were surprised to find that forgiving oneself did not more significantly reduce levels of depression.

“Self-forgiveness didn’t act as the protector against depression,” Proulx says. “It’s really about whether individuals can forgive other people and their willingness to forgive others.”
September 3, 2015

What ‘Yes Means Yes’ Means for Colleges’ Sex-Assault Investigations

By Katherine Mangan

NO MENTION

When "no means no" shifts to "yes means yes," is a student who can’t produce proof of consent certain to be found responsible for sexual misconduct?

Some opponents of so-called affirmative-consent policies, which are mandatory in California and New York and popular on a growing number of campuses elsewhere, say yes. They argue that such policies, designed to ensure that both students are willing participants and that silence isn’t interpreted as consent, put an unreasonable burden on an accused student. Judges in a handful of cases have agreed.

But on campuses where investigators are applying the new standards, officials insist that students who are accused of assault are still getting a fair shake. The questions investigators ask may have changed and the expectations for communication may have heightened, but no one goes in to those hearings presuming, as some judges have concluded, that accused students are guilty.

"The idea that this somehow shifts the burden onto the accused student is a misconception," says Kimberly D. Hewitt, director of the Office of Equal Opportunity and Affirmative Action at the University of Minnesota, where a revised sexual-assault policy took effect over the summer.

"The burden remains on the institution to weigh the evidence after hearing both sides," she said, considering the credibility of both students, and determining whether it was "more likely than not" that an assault had occurred. That standard, known as "preponderance of the evidence," is lower than the "beyond a reasonable doubt" standard used in most criminal cases and is the one that the federal government has directed colleges to use in handling sexual-violence complaints.
Investigators might examine the relationship between the students before and after the alleged assault, what they told their friends, messages texted back and forth. They also ask more-detailed questions of both students about body language and other nonverbal cues.

"What we were finding in the investigation process was that students were telling us they went ahead with the sexual activity because the other student was silent," says Ms. Hewitt. The university’s new policy, which clearly states that silence or a lack of resistance doesn’t indicate consent, is primarily an education tool, she adds, "for students to think about before they’re in the moment."

At Stanford University, an affirmative-consent standard simply changes the elements that have to be proved, says Michele Landis Dauber, a professor of law who helped design the university’s disciplinary process for sexual-misconduct cases. Instead of having to prove that she resisted, or said no, the accuser has to persuade investigators that she did not give consent, or that she withdrew it at some point. The accused would then have the opportunity to explain how he concluded, through words, body language, or other clues, that she was, in fact, a willing participant. The burden of proving that she did not consent stays on the accuser throughout the proceeding, Ms. Dauber says.

(Since most cases that come before campus judicial boards involve male students accused of violating female students, those pronouns are used here, but the policies apply equally to same-sex or male-victim complaints.)

*Questions of Proof*

Critics question whether it’s reasonable to expect a student to come up with proof of consent in an encounter with no witnesses that may boil down to a "he said, she said" debate.

"How do you document it?" asks Samuel R. Staley, a research fellow at the Independent Institute, a libertarian think tank in Oakland, Calif., and the managing director of an interdisciplinary research center at Florida State University. "Are we going to sign a slip of paper at every step along the way saying, ‘I give you permission to kiss me or hold my hand’?"

A state judge who last month ordered the reinstatement of a student who was expelled from the University of Tennessee at Chattanooga went further.

"Affirmative consent effectively shifts the burden of proof to the accused, making him or her guilty until proven innocent," wrote the judge, Carol L. McCoy of the chancery
court in Nashville. She ruled in a case involving Corey Mock, a senior whom the university had found responsible for sexual misconduct because he was unable to prove that he had obtained consent from a woman who said she was too drunk at the time to remember clearly what had happened.

"The question," the judge added, "is no longer whether or not someone actually consented to a sexual act; it’s whether the accused can prove that they received such consent — and short of a videotape of the entire encounter, that proof is unlikely to exist."

But long before affirmative-consent policies were in place, panels of faculty members and students were investigating and adjudicating alleged acquaintance rapes that occur with no witnesses and often boil down to one student’s word against another’s.

Ms. Dauber, of Stanford, describes how a case could play out under an affirmative-consent standard.

"After the accuser states that she did not affirmatively consent, the accused can offer his side. But instead of saying, ‘She never said no,’ he might say, ‘She did these things,’ like taking off her shirt or moaning, which he believed meant she was consenting."

Investigators might ask the accuser if she did those things. Other witnesses could be asked for information, emails, and text messages between the parties.

Ms. Dauber says she’s not surprised by the backlash against yes-means-yes policies by those who already feel the deck is stacked against men.

"There’s a certain group of people who believe that women lie about rape and that this is going to open the floodgate to a deluge of false accusations," she says. Instead of making it harder for people to defend themselves, "affirmative consent creates a clear default rule about what their responsibilities are and tells them ahead of time what is expected of them."

**Pressure on Universities**

Around the country, sexual-misconduct policies are being updated and tweaked as pressure, both from the federal government and from activists, intensifies.

The University of Tennessee at Chattanooga’s policy, a revised version of which took effect after the Mock ruling, urges students "to err on the side of caution" when they aren’t sure how to interpret nonverbal actions. While the earlier policy required
someone to be able to point to signs of consent that are "unmistakable in their meaning," the new one says those signs can be evaluated "from the perspective of what a reasonable person who perceived the individual’s words and/or nonverbal actions would have understood."

The main emphasis of the change "is to clarify what affirmative consent means, to fully explain that it’s the responsibility of anyone initiating contact to get consent and to determine reasonably whether a person can give consent," says Chuck Cantrell, a spokesman for the university.

Brett A. Sokolow, president of the Ncherm Group, a consulting and law firm that advises colleges, published a blog post about the Chattanooga case in which he questioned whether the ruling really constituted a strike against affirmative-consent policies.

"The court may have assumed that a ‘Yes Means Yes’ policy on consent automatically shifts the legal burden" to accused students, he wrote. That belief "is an erroneous assumption, but one that many foes of affirmative-consent policies want you to believe is inherent in such policies." The burden, he wrote, is on the university to prove that a sexual assault occurred, and college administrators need to do a better job of articulating that when documenting their decisions.

Amy Zavadil, the Title IX coordinator at Barnard College, says it’s important to remember that campus investigators are deciding whether a policy has been violated, not whether a law has been broken, and the evidence they’re looking for is different.

"If someone says the other person didn’t say no, then I would ask him to talk to me about what made him feel he had consent," she says. "If he says, ‘She turned away, but I put my arm around her and pulled her in and she didn’t pull away,’ that’s not consent."

Colby Bruno, senior legal counsel at the Victim Rights Law Center, in Boston, says investigators are asking more-detailed questions about the level of intoxication. Yes-means-yes policies often spell out specific things to look for, like slurred speech or difficulty walking, that indicate a person may be incapable of giving consent.

"It used to be that the accuser would give a statement and the accused could read it and say, ‘That’s not the way it happened,’” Ms. Bruno says. Now investigators "are more likely to get both of their stories independently and decide which one is more plausible."
Ultimately, she says, that approach is more likely to result in a resolution that’s fair for everyone involved.

Fixing Grad School
September 3, 2015
By Colleen Flaherty

NO MU MENTION

Talk about graduate school being broken is beginning to sound like a broken record: Yes, it’s too focused on preparing students to become the tenure-track professors that populate academe’s endangered species list. Yes, the better part of a decade is probably too long to spend as an apprentice, forgoing a living wage and likely accruing debt. And yes, too many people never finish.

So now what?


“If the problems with graduate school are a tree, a lot of people are fixated on this branch or that branch,” Cassuto said in an interview. “But you can’t fix the branch if the trouble is in the roots of the tree. And in graduate school, there are a lot of common problems that go down to the roots.”

For Cassuto, the fundamental problem for graduate school education in the humanities and humanistic social sciences is one of teaching. Tenure-line professors at research institutions prepare students to become “mini mes,” even though the odds are less than one in two that they’ll get the chance at becoming one, and that is more than a practical failure, he argues -- it’s a moral one.

“There’s an enormous trust that’s being extended here, and that’s something that people who run graduate education programs need to take seriously,” Cassuto said. “If
you’re not teaching them to do and value the work they’ll actually be doing, you’re really teaching them to be unhappy.”

He argues in Mess that graduate school professors must “convey their own awareness and approval” of taking teaching-intensive positions outside research institutions, or outside academe entirely. And programs must make readily available placement data for past graduates so students know what they’re getting into, Cassuto says. Next, he argues -- since graduate schools are no longer letting in “armies” of students -- faculty members must begin to better “tailor” students’ experiences to their professional goals. Cassuto’s not big on quotas, but he says that a program’s ability to provide this kind of attention should drive its admission numbers.

He also says that graduate programs must create strong relationships with the campus career services office, which students should be interacting with throughout their time in school -- not just frantically at the end of their programs. It also means a bigger focus on professionalization within graduate programs themselves.

The School of Interdisciplinary Studies at the University of Louisville, for example, in 2012 created a comprehensive professionalization program for all graduate students. It offers 20 to 30 workshops per semester on professional development, life skills, academic development and networking -- hence the program’s acronym, PLAN.

Reform also means rethinking the curriculum and traditional milestones. For example, Cassuto asks, why can’t time-consuming, comprehensive “tell me what you know” exams be more authentic and better serve students’ needs in the humanities, as they already do in other fields? Take biology, he says, in which many programs ask students to defend an original research proposal before a committee of faculty members.

Scientists “test their students in ways that allow them to develop the skills of professional scientists, and the certification of those skills later allows them to enter their scientific disciplinary communities,” Cassuto writes. “That’s a model that humanists need to adopt.”

As for dissertations, Cassuto says it’s a “costly and misguided mistake” to think of them as books in progress, as so many humanities and social science departments do, since so few people will read them. (That’s outside of those with whom the writer shares a bed or DNA, he quips.) Cassuto suggests considering a three-chapter dissertation, down from four. He also expresses interest in a relatively new multitrack model adopted by the German and Slavic languages department at the University of Colorado at Boulder.

Program guidelines state that students who are interested in academic careers but also in those in government, business or the nonprofit sector will spend just a year writing the dissertation after two years of course work and a year of research.

Cassuto also advocates the “expanded repertoire” of dissertation formats noted in the Modern Language Association’s 2014 report on reforming graduate school education: web-based projects that give evidence of extensive research, translations with accompanying theoretical and critical reflection, public humanities projects that include collaboration with cultural institutions, and the treatment of texts in terms of their
pedagogical value in the classroom.

“A more flexible view of the dissertation offers to expand our definition of ‘scholar’ (and ‘scholarship’),” Cassuto writes. “Or else it may lead to the argument that some graduate students are not scholars at all.”

Mess has little patience for professors who argue they can’t prepare graduate students for jobs outside the academy that they themselves haven’t experienced. Professors “have to do this because it’s part of their 21st-century job description,” Cassuto says. Moreover, he added in the interview, “teachers are very good learners.”

Cassuto said a democratic society needs more “happy” Ph.D.s -- whether or not they stay in the academy. And that starts with better teaching. He ironically asserts that with all the talk of reforming graduate education, no one’s ever written a book about how to better teach graduate students. But with Mess, he said, he’s started to fill the void.

What Students Can Do
If graduate school needs better teachers, two other new books argue that students can do more ensure their own success.

Managing the Graduate School Experience: From Acceptance to Graduation and Beyond (out now from Rowman and Littlefield) pitches itself as the streamlined, comprehensive guide to the doctorate. Whereas Cassuto’s book is rich with personal anecdotes, Managing is more to the point: think checklists and bullet points. A chapter called “Can I Really Get a Ph.D.?“ gets the ball rolling with discussions of the impact of study on family life, the importance of time management, learning types and reasons for wanting a Ph.D. Further chapters discuss choosing a program and degree type (including online) and financing one’s degree -- including how to avoid financial aid scams.

For those who’ve decided to proceed and have been accepted, there’s talk of choosing a dissertation committee, preparing for comprehensive exams and pitching a dissertation idea. There’s some practical advice on how to defend a dissertation and a note on what’s next -- such as how to copyright or publish one’s work.

Mark H. Rossman, a professor emeritus of education at Capella University, co-wrote the book with Kim Muchnik and Nicole Benak, fellow scholars of education. Rossman said that while good teaching matters, it’s also up to students to take graduate school success into their own hands.

Since elementary school, he said, “learners have been trained to be good students and to wait until they are told what to do and when to do it. As a result, they frequently wait for something to happen rather than making it happen.”

That’s a pattern that many students have continued in graduate school, sometimes to their detriment, Rossman said, waiting for advisers or dissertation committee members to tell them what courses to take or how to structure their comprehensive exams, or what to write about.
“While this has worked for many learners, it is not always the best and most expeditious way for the learner to proceed, as it does not foster a lot of critical reading or critical thinking,” Rossman said. And “many learners do what they are told to do by the major adviser or committee members, which may not be what they really want to do as part of the process of completing a personally satisfying or meaningful graduate degree.”

**What Not to Do**

A second book aimed at empowering students takes the opposite approach from *Managing*. Instead of a how-to, *57 Ways to Screw Up in Grad School: Perverse Professional Lessons for Graduate Students* (out now from University of Chicago Press) is more of a how-not-to. The book is a highly entertaining and informative list of pretested pitfalls, including “Do not think about why you are applying,” “do not clarify the supervisor’s (or your own) expectations,” “expect to write the perfect comprehensive exam” and “write only to deadlines.” They’re all fleshed out in good humor and only-in-hindsight wisdom.

No. 45, “Get romantically involved with faculty,” for example, says that flings between graduate students and faculty members have been known to end amicably, or evolve into a long-term relationship. “But more often than not,” the book says, “students end up feeling betrayed, exploited and abandoned. These are risky situations and unfortunately the grad student bears almost all the risk.” (There’s a P.S. about keeping it professional with one’s undergraduates as a teaching assistant, as well.)

Kevin D. Haggerty, a Killam Research Laureate and professor of sociology and criminology at the University of Alberta, said he and his co-author, Aaron Doyle, an associate professor in of sociology and anthropology at Carleton University in Canada, created their list by drawing on their own experiences as graduate students and faculty supervisors. They also interviewed various administrators and student services providers from across their respective campuses for a richer perspective.

All 57 points “refer to mistakes we have seen students make over the years, sometimes even after they have been specifically cautioned to avoid a particular pitfall,” Haggerty said.

He noted the original plan was 99 points, but it was scaled down after he and Doyle realized various experiences were really part of the same category or mistake. While not every pitfall will ring true or apply to every graduate student in every program, Haggerty added, he and his co-author tried to “balance” out the book to speak to a wide variety of graduate school experiences.

Asked how responsible graduate students are for their own successes or failures, Haggerty said it’s obvious students “have to show initiative and take some responsibility for their own program and education. Reading books and blogs about graduate school is a great place to start.”

At the same time, he added, universities can and should make structural improvements to better support graduate students -- and a relatively easy place to start is more training for faculty supervisors.
“Everyone recognizes the tremendous impact that a supervisor can have on a student’s success in grad school and beyond,” Haggerty said. Despite that, “faculty members receive almost no mandatory training in effective and compassionate supervision. Not all faculty members supervise graduate students, but for those who do there should be greater emphasis on training.”

Such opportunities exist, he added, “but my experience is that these courses and workshops tend to be populated by people who are already conscientious supervisors, whereas the people who most need such instruction tend to shun them entirely. We need to develop more ways to encourage, support and perhaps reward good supervisors.”

That plays into Haggerty’s overall piece of advice for new graduate students (as well as Cassuto’s to teachers): seek out “wise, experienced and generous academic mentors.”