



**Report to the  
University of Missouri  
Board of Curators**

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# **REPORT TO THE UNIVERSITY OF MISSOURI**

## **BOARD OF CURATORS**

### **1. INTRODUCTION**

On January 27, 2016, the University of Missouri Board of Curators suspended MU Professor Melissa Click pending further investigation. The Board directed the General Counsel, or outside counsel selected by General Counsel, to immediately conduct an investigation, and report back to the Board so it may determine whether additional discipline is appropriate. (See Exhibit 27) Upon receiving the Board's directive, General Counsel retained the law firm of Bryan Cave, LLP to conduct the independent investigation to determine the facts and circumstances relating to events that occurred on the Carnahan Quadrangle of the University of Missouri Columbia campus on and about November 9, 2015.

Hal Goldsmith is one of the attorneys tasked with conducting this investigation, along with other Bryan Cave attorneys. Mr. Goldsmith joined Bryan Cave during May, 2015, and is a Partner in the firm's St. Louis office. Prior to joining the law firm, Mr. Goldsmith was employed by the United States Department of Justice, serving as an Assistant United States Attorney in St. Louis, Missouri, East St. Louis, Illinois, and Miami, Florida. He has over 20 years' experience as a federal prosecutor, and served in both St. Louis and East St. Louis as the chief civil rights prosecutor, charged with investigating and prosecuting all forms of civil rights violations, including hate crimes against minority members of the community and police excessive use of force matters. He also served as the chief prosecutor for public corruption investigations and prosecutions in those two Offices. He served in various supervisory roles, including chief of the criminal division, senior litigation counsel, and chief of the white collar section. His current practice focuses on white collar criminal defense, internal investigations, complex commercial litigation, and regulatory enforcement as a member of the firm's White Collar Defense and Investigations Group.

Kristin Robinson, another of the attorneys tasked with conducting this investigation, joined the former Powell Goldstein firm, which later merged with Bryan Cave, in September, 2007. She is an Associate in the firm's Washington, D.C. office. Ms. Robinson joined the firm upon receiving her law degree from Georgetown University Law Center, and practices primarily in the firm's White Collar Defense and Investigations Group. She conducts investigations involving allegations of fraud and other complaints, and regularly defends individuals and entities under investigation by various government agencies.

Bryan Cave has been engaged solely to determine the underlying facts and circumstances presented in these matters, and has not been requested to offer any opinions as to those facts, or make any recommendations as to action that might be appropriate based upon the facts uncovered. Bryan Cave has conducted those interviews and reviewed those records it has determined to be necessary and pertinent to the Board's directive.

## **2. BACKGROUND**

It is perhaps helpful to provide some background as to events occurring on MU's Columbia campus in the days and months which led up to November 9, 2015.

### **A. Events Leading Up To November 9, 2015**

The months leading up to the November 9, 2015 incident saw heightened tension and growing protest on campus as two threads of discontent, one economic and political, the other racial, came together. In August, the University's announcement that the Affordable Care Act prohibited employers from subsidizing graduate students' health care, which the Act required them to purchase on the individual market, led to protests by graduate students.

Racial issues added to the unrest. On Saturday, October 10, Concerned Student 1950, a group of African American students, conducted a protest during the Homecoming Parade, blocking off the street and the parade in front of a car carrying President Tim Wolfe, while recounting descriptions of racism on campus. On October 13, graduate student Jonathan Butler published a letter signed by the Concerned Student 1950 group describing the Homecoming protest and criticizing President Wolfe for not engaging with the protesters. On October 21, the group issued a statement demanding an apology from President Wolfe, his firing, and more African-American faculty and staff.

On November 2, graduate student Butler announced that he would go on a hunger strike until President Wolfe was removed from office, and students established a tent camp on Carnahan Quadrangle that night in support of his strike and demands. On November 3, graduate students met with the President and Chancellor to discuss Butler's hunger strike and the status of graduate student employees. In support of Butler, the next day the Concerned Student 1950 group began a boycott of University retail services including dining, merchandise, and ticketed events. On November 6, President Wolfe issued a statement acknowledging the unacceptable problem of racism at the University and apologized for not engaging with students at the Homecoming protest. That evening, the President was again confronted by protesters at a UMKC event in Kansas City.

On Saturday, November 7, members of Concerned Student 1950 held a mock tour of campus before prospective students. African American players on the University football team announced that they would boycott games and practice until President Wolfe resigned, and the team's coach and many white players announced their support of the boycott. On Sunday November 8, President Wolfe issued a statement expressing hope that all sides could come together. Graduate student Butler criticized the statement. The same day, a group of graduate students announced a two-day walk-out, faculty members announced they would join the walk-out and conduct a teach-in the following day on the Carnahan Quadrangle, hundreds of African-American alumni announced their support for the protests, and student government demanded that the Board of Curators fire President Wolfe.

President Wolfe resigned the morning of November 9, leading Butler to end his hunger strike. Chancellor Loftin resigned later in the day. With the planned walk-out, hundreds of students, staff, and faculty joined together at Carnahan Quadrangle that morning. There were

also many student and professional journalists and media members present on the Carnahan Quadrangle that morning, from local and national media organizations.

Separate incidents involving two students, Tim Tai and Mark Schierbecker, occurred that morning on the Carnahan Quadrangle as both were attempting to document, photograph, and videotape the event. Professor Melissa Click, an Associate Professor in MU's Communication Department, was on the Carnahan Quadrangle that morning, and was involved in both of the incidents with Tai and Schierbecker. Media reports of these two incidents have been substantial and far reaching, primarily as a result of videotape taken by Mark Schierbecker that morning, and released publicly later that day.

#### **B. Professor Melissa Click**

Professor Click earned her undergraduate degrees in retail marketing and womens' studies in 1993 from James Madison University. She managed a retail clothing store in Charlottesville, Virginia following graduation, then returned to study in the graduate program at University of Massachusetts, Amherst. She earned her Master's degree in communication during 1998, and her Ph.D. in communication from the University of Massachusetts during 2008, while employed at MU.

Professor Click has been employed by MU's Communication Department since 2003, first as a Visiting Instructor, then as a Resident Instructor. She came to the University of Missouri to be with her husband, Religious Studies Professor Richard Callahan. Professor Click accepted a tenure track position during the 2007/2008 academic year, and is currently an Assistant Professor in the Communication Department. She is currently going through the tenure review process. As a faculty member in the Department of Communication, Professor Click held a courtesy appointment at the MU School of Journalism, as did most of the Communication Department faculty, primarily in order to provide additional resources to graduate students in the School of Journalism. At the request of the School of Journalism doctoral committee, Professor Click resigned the courtesy appointment November 10, 2015. For the past two years, Professor Click has served as a member and later Chairperson of the MU Student Publications Committee, which oversees the Maneater publication. Professor Click resigned that position as well on November 10, 2015.

#### **C. Tim Tai**

Tim Tai is a senior Journalism major in MU's School of Journalism, and is scheduled to graduate in May 2016. He has worked for the Missourian newspaper through various of his classes since 2014, and during 2013-2014 he worked for The Maneater newspaper as a photographer and in sports web design. He currently works part-time at MU's Athletic Department as a student photographer in the Strategic Communications Office. He has held summer internships with the San Antonio Express News and the Tulsa World Newspaper. As a result of his actions on November 9, Tai has been selected as the first recipient of the First Amendment Defender Award, sponsored by the Radio Television Digital News Foundation. He and Mark Schierbecker were invited to attend and spoke at the National Press Photographers Association conference in Georgia on January 22.

#### **D. Mark Schierbecker**

Mark Schierbecker anticipates graduating from the University of Missouri during spring 2017 with a degree in History, and a possible second major in German. While at the University of Missouri he has submitted various articles to The Maneater, and submitted photographs to The Maneater on an ad hoc basis until August 2015. Schierbecker's submitted articles were not ultimately published. Schierbecker is also an active Wikipedia contributor and editor. He and Tim Tai were invited to attend and spoke at the National Press Photographers Association conference in Georgia on January 22.

### **3. OCTOBER 10, 2015 HOMECOMING PARADE**

University of Missouri's Columbia campus held its traditional Homecoming Parade on Saturday, October 10, 2015. President Tim Wolfe was riding in one of the parade cars, accompanied by his wife. During the parade, as President Wolfe's car came to the intersection of 9<sup>th</sup> and University, a group of approximately 11 African American students entered the intersection directly in front of President Wolfe's car, effectively blocking the car and the parade. The students were equipped with a bullhorn, and took turns reciting to the gathered parade crowd various events they described as being part of the racist history of the University. (See Exhibit 1) President Wolfe remained in his car during this protest, and did not engage or speak with the protesters. Some members of the parade crowd attempted at times to engage the student protesters in order to convince them to get out of the street and let the parade continue. At some point, members of the parade crowd formed their own human line between the protesters and President Wolfe's car.

Professor Click attended the Homecoming Parade with her husband and children, and was situated on the parade route approximately one block further down from 9<sup>th</sup> and University. When the parade stopped with no explanation, Professor Click left her family and went to see what the problem was. As she approached 9<sup>th</sup> and University she saw the protesters in the street blocking President Wolfe's car. Professor Click watched the protest for some minutes, and became frustrated and disappointed by the reactions of the people in the parade crowd, and what she viewed as their lack of sympathy for the student protesters. Professor Click then entered into the street and joined the student protesters as they blocked President Wolfe's car and the parade, joining the students in their chant. (See Exhibit 2)<sup>1</sup> Shortly thereafter, officers from the Columbia Police Department arrived to move the protesters from the street and get the parade rolling again. During our February 2, 2016 interview, Professor Click advised that she argued with one officer that the student protesters should not have to move to the sidewalk, as many in the parade crowd were standing at the curb. However, ultimately Professor Click and the protesters were dispersed by the Officers and the parade continued on. It later became known that the student protesters were from a group who called themselves Concerned Student 1950, reflecting the year the first African American student was permitted to attend the University of Missouri's Columbia campus.

On February 13, 2016, the Columbia Missourian published an in depth interview of Professor Click, entitled, "Melissa Click Says She'll Fight to Restore Her Reputation, Keep

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<sup>1</sup> This video is available and may be viewed in its entirety at: <https://www.youtube.com/watch?v=u6zwnmlzZSQ>.

Job.”<sup>2</sup> As to the Homecoming parade, and Professor Click’s actions as Columbia police officers were attempting to move her and the student protesters out of the street, the *Missourian* article states, “In Columbia police body camera footage, the 5-foot-tall Click implored officers for space—“Get your hands off the children”—before stretching her arms out to her sides. Her face filled the camera lens as she demanded that officers back off, and after an officer grabbed her shoulder, she yelled: “Get your f[---]ing hands off me!” The *Missourian* included footage from the two Columbia police officers’ body cameras within the article. In the body camera footage, as the officers are directing everyone out of the road and onto the sidewalk, Professor Click appears to yell at the officers, and put her hands on one of the officers. That footage was also posted to YouTube.<sup>3</sup>

On January 29, 2016 we interviewed MU Campus Police Chief Doug Schwandt. He told us that, following the October 10, 2015 Homecoming parade, he met with President Wolfe, who advised that the University did not wish to bring charges for violation of Columbia ordinance 24-1, Demonstrations, exhibitions, etc.<sup>4</sup> At the time he spoke with President Wolfe, Police Chief Schwandt was unaware that Professor Click had participated in the street protest, and did not discuss that issue with President Wolfe who was, presumably, also unaware of that fact.

During our February 2, 2016 interview of Professor Click, she described witnessing and participating in the parade protest as a “life changing” event, after which she began following Concerned Student 1950’s Facebook page to learn about the group’s activities. She led a group of several faculty colleagues in drafting a statement of support for African American students which urged members of the campus to address racism on the campus. The statement drafted by Professor Click and her colleagues was approved by the Communication Department Chair, Professor Mitchell McKinney, and was posted to the Department of Communication website on October 15, 2015. (See Exhibit 3) Professor Click continued to discuss the parade protest with the students in her classes, and with other faculty members during the following weeks.

#### **4. CARNAHAN QUADRANGLE ENCAMPMENT**

When Jonathan Butler, leader of Concerned Student 1950, initiated his hunger strike on November 2, 2015, and called for President Wolfe’s resignation, members of Concerned Student 1950 and other students, established a tent camp on Carnahan Quadrangle to support the protest. The Carnahan Quadrangle is a public space within the MU Columbia campus, situated to the south end of the campus, between the Law School, the Business School, and the Alumni Center. It is accessible to all members of the campus community and the general public, and has been used for public talks and demonstrations of various kinds. During the following days, the protesters received many donations of food, blankets, clothing, camping equipment and the like. The protesters were visited by members of the campus community, including members of the

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<sup>2</sup> [http://www.columbiamissourian.com/news/higher\\_education/melissa-click-says-she-ll-fight-to-restore-her-reputation/article\\_043d5036-d1c5-11e5-b06b-37c7c1b58b82.html](http://www.columbiamissourian.com/news/higher_education/melissa-click-says-she-ll-fight-to-restore-her-reputation/article_043d5036-d1c5-11e5-b06b-37c7c1b58b82.html).

<sup>3</sup> <https://www.youtube.com/watch?v=h4AkSAj3Txs>.

<sup>4</sup> Section 24-1 states: “Any person, other than one holding a parade permit under article VI of this chapter, who shall conduct on any street, alley or sidewalk any exhibition or demonstration of any article or thing or process or so use any street, alley or sidewalk for private purposes as to block or obstruct the same or impede or interfere with travel and traffic thereon shall be deemed guilty of a misdemeanor.

University Administration. Further, the University, at the campus administration's direction, provided electricity and heaters to the protesters for their safety and comfort.

**A. November 7, 2015**

The announcement by African-American Mizzou football players that they would boycott the upcoming game was viewed by Professor Click as a "game changer." With that announcement, on Saturday afternoon, November 7, Professor Click visited the Carnahan Quadrangle encampment for the first time. She observed a member of the Board of Curators and Chancellor Loftin talking with the students at that time, and saw that the students had received a substantial amount of donated items that appeared to completely fill two tents. She did not see any media in the area. During her February 2, 2016 interview, Professor Click recalled speaking with Chancellor Loftin about her concerns for the safety of the students, and Chancellor Loftin advised her that he felt a direct police presence would be off-putting for the students at that time.

Later that afternoon, Professor Click posted a message on her personal Facebook page indicating that the student protesters wanted their message to get into the "national media", and she inquired if anyone had any such contacts. "The story involves the failure of administrators, a student on day 6 of a hunger strike, and creative, fearless students. If you can help, please let me know!" (See Exhibit 4)

**B. November 8, 2015**

Professor Click returned to the Carnahan Quadrangle encampment on Sunday, November 8 at approximately 10:00 a.m. to help sort the donated items in the tents. In our interview with Professor Click, she described an incident where a Geology Professor began asking questions she found provocative and frustrating leading to a heated discussion between the two of them. She told us that some male students stepped in between them to de-escalate the situation, after which she resumed sorting donations. When we asked whether she had any interaction with the media on November 8, Professor Click initially denied any such contact. Later during our interview, she recalled one situation when she requested that some photographers move from the area of the Tiger Fountain where they were taking photographs. The photographers believed they should be able to take photographs, but did agree to move at that time. Professor Click told us that during the day some of the students became uncomfortable with the media presence, so they made and posted some "no media" signs in the area. She believes that Chancellor Loftin was present in the area then, but Professor Click never raised the media issue with him or any members of the Administration.

Professor Click's husband, Professor Richard Callahan, had a friend of a friend who was an MU alumnus and a reporter with the Los Angeles Times. Professor Click contacted that reporter in order to get him to come to Columbia to cover the protest, which he did. She recalls speaking with the reporter when he was in Columbia, and the Los Angeles Times article attributes to Professor Click a claim that the car carrying President Wolfe "bumped into a protester" during the Homecoming Parade.

During the afternoon of November 8, President Wolfe issued a statement addressing the demands made by Concerned Student 1950, as well as other issues pertaining to diversity and

inclusion on the Columbia campus. (See Exhibit 5) Professor Click was frustrated and angered by President Wolfe's statement, as she had been hoping he would resign.

Also on November 8, Professor Click drafted a statement in support of the student protesters, and her Department Chair, Professor McKinney, posted it to the Department website. (See Exhibit 3)

During the evening hours, Professor Click and several faculty colleagues discussed the need to call for a faculty walk-out for Monday and Tuesday, November 9 and 10, in conjunction with the planned graduate student walk-out. Professor Click, working with the other faculty members, drafted a statement calling for the two day walk-out and she posted it to a Facebook page that she had created earlier that day, Concerned Faculty 1950. (See Exhibit 6) During our interview with her, she acknowledged that she had not wanted to post or attach the statement to her own personal Facebook page out of concern that she was going through her tenure review process at the time.

### **C. November 9, 2015**

As a result of the called walk-outs, by 10:00 a.m. there were many students, staff, and faculty on the Carnahan Quadrangle, along with a large contingent of media representatives. Sometime between 10:00 and 10:15, President Wolfe, addressing the Board of Curators and media at a public meeting, resigned his position with the University. As news of this spread throughout the campus, more people came to the Carnahan Quadrangle, and more media representatives arrived.

Professor Click arrived at the Carnahan Quadrangle at approximately 9:00 a.m., and helped other faculty move a number of tables from the law school to the area of the tent encampment. At some point, she heard some cheering and someone told her, in passing, that President Wolfe had resigned. The student protesters wanted to make statements to the media, and they stood on top of the tables near the tents for that purpose. Once the students were done making their statements, they wanted to retreat to their tents in order to plan strategy for a more formal press conference later in the day with Jonathan Butler, who had ceased his hunger strike with the news that President Wolfe had resigned. Professor Click stood next to the table while the students were making their statements to the media, and then helped escort the students away from the media when they were done making statements. (See Exhibit 7)(See Exhibit 8, at 00:00 – 00:15)

Mark Schierbecker had been in a German class that morning when his Professor gave the class the option of joining the walk-out, which he and the other students in his class elected to do. Schierbecker did not want to participate in the protest, but simply to document it, and he had brought his videocamera with him that morning for that specific purpose. He had documented several other demonstrations and protests on campus previously. As he and his classmates made their way to Carnahan Quadrangle, they heard the news that President Wolfe had resigned. Upon arriving at the Carnahan Quadrangle, Schierbecker saw a female student protester on a table near the tents speaking with the media (See Exhibit 7), and he was able to capture on film the end of that statement as well as when the student was escorted away from the media representatives who had been filming her speech and wanted to ask her questions. Schierbecker

later identified Professor Click as the faculty member he observed escort the student protester from the media area. (See Exhibit 8, at 00:00 – 00:15) After that, Schierbecker observed and recorded about 12 minutes of the students chanting, celebrating, and singing in the area of the tents, after which a circle of people began forming to keep the press and media representatives out of the immediate area of the tents. (See Exhibit 8, at 00:17 – 11:37) Schierbecker ended up outside the circle of people.

#### **D. Tim Tai Incident**

Following the student celebrations, Schierbecker's attention was drawn to student journalist Tim Tai, who was in the midst of a dispute with people forming the circle, and Schierbecker drew closer to see what was going on. The situation quickly escalated, and Schierbecker began filming that scene. (See Exhibit 9, at 00:00 - 07:05; Exhibit 10, lines 1 - 124) Schierbecker did not know Tai, but he was concerned that something bad would happen to Tai. Although Schierbecker had his sight line blocked as he made his way towards Tai, he was unafraid. Standing only a few feet away, Schierbecker filmed the confrontation that evolved between Tim Tai, several protesters, Professor Richard Callahan, Professor Melissa Click, and Student Life Assistant Director Janna Basler. (See Exhibit 9, at 00:00 - 07:05; Exhibit 10, lines 1 - 124)

As to Tim Tai, early on the morning of November 9, Tai had been called by a contact he had at ESPN who hired Tai to cover the Mizzou football player strike and provide general news coverage of events on the campus. Tai arrived on the Carnahan Quadrangle shortly after President Wolfe's announced resignation, and observed students chanting, singing, crying, hugging, and cheering, and he immediately began taking photographs. He knew many of the other student journalists who were present on the Carnahan Quadrangle that morning, as well as several of the professional journalists there. Tai saw the handmade "no media" signs, but believed that he had a First Amendment right to be in the public area, and he was aware that the Missouri Legislature had passed a bill that he described as affirming all public spaces as traditional public forums, so he had no concern about the legality of his being there and taking photographs for ESPN.

##### **i. Professor Richard Callahan**

Tai wanted to get a different perspective from the middle of the Carnahan Quadrangle, but at that point people began forming a line or ring, and linking arms to prevent the media access to the area. People were blocking him from walking forward and throwing up their hands to block his camera. Tai engaged several people in discussions concerning his right to be there as a student journalist, and at one point when he was being pushed, he appealed to Professor Richard Callahan, who was standing inside the ring of people, for help with the students pushing on him. Professor Callahan replied, "Well don't tell that to me, it's not my problem." Professor Callahan then raised his hands and continued to attempt to block Tai from photographing. (See Exhibit 9, at 00:40 – 2:40; Exhibit 10, at lines 3 – 17)

**ii. Professor Melissa Click**

At about that time, Professor Click, walking along inside the ring of people, arrived in the area where Tim Tai was trying to take photographs. Professor Click began yelling directly at Tai that he had to stop and get out of the area, and he had to go. She then engaged the students around him to direct him from the area, stating, “Students, can you tell him how much you want him to go?” As the students then begin chanting at Tai, “go, go, go....” Professor Click engaged the students to go further by yelling, “I can’t hear you!” Professor Click then began a chant, “Hey Hey, Ho Ho, reporters have got to go!” (Exhibit 9, at 00:55 – 01:60; Exhibit 10, at lines 9 - 27) Throughout this time, Tim Tai was attempting to stand his ground and assert his rights to be there, but he continued to get shouted down and pushed back by the people forming the ring.

During our February 2, 2016 interview with Professor Click, she initially did not recall having any interaction at all with Tim Tai on November 9. After we read her portions of the Schierbecker videotape transcript involving her confrontation with Tai, and the subsequent chanting, Professor Click stated that Tai had “charged” the perimeter, and her chant was intended to defuse the situation with words and encourage Tai to back off. She told us that she believed that Tai’s behavior was inappropriate, and while it might not have been legal to ask the reporters to step back, in her opinion it was the ethical thing to do, but Tai would not step back.

During our February 2, 2016 interview with Tim Tai, he insisted that as a journalist he would never do something that might undermine the integrity of the job, and for that reason he would never have pushed into the circle. He did not witness any other journalist try to push through, but saw people interacting with the other journalists as they did with Tai—yelling, blocking journalists with linked arms and moving forward against them.

**iii. Janna Basler**

Janna Basler, Senior Associate Director for Student Life at MU’s Columbia campus, first visited the student encampment on Carnahan Quadrangle on Saturday, November 7. She returned with a colleague from Student Life, Laura Hacquard, on Sunday, November 8 to assist in sorting the items which had been donated to the student protesters. Hacquard introduced Basler to Professor Click that day on the Carnahan Quadrangle, but they did not engage in any kind of a conversation, just worked on sorting the donated items.

On the morning of November 9, Janna Basler attended the regular Student Life senior staff meeting, scheduled from 9:00 to 11:00, at the Student Center. Sometime after 10:00 she saw on Twitter that President Wolfe had resigned, and subsequently she received a text message from Jonathan McElderry, Coordinator at the Black Cultural Center. She telephoned McElderry and he told her that students at the Center were fearful and wanted security. He also said that some of those students were told that students at Carnahan Quadrangle were also nervous and wanted security there. Laura Hacquard telephoned the MU Campus Police and was told that they would send an officer over to the Black Cultural Center, and that there were already officers in the vicinity of the Carnahan Quadrangle.

Basler and Hacquard then went to Carnahan Quadrangle. When they arrived, there was already a ring of people forming around the tent area, and she saw media, particularly around

Tiger Fountain. There were media vans parked in the roadway along the law school also. Basler walked around the outside of the ring, and then inside the ring, but did not see any police officers. She asked Hacquard again, who told her that she had just been on the telephone with MU campus police who advised that officers were there in the vicinity.

During our January 29, 2016 interview with MU Campus Police Chief Doug Schwandt, he advised that MU Campus Police Officers had been in the vicinity of the Carnahan Quadrangle every day and night since the beginning of the encampment, and had been monitoring the events on the Carnahan Quadrangle very closely. Additionally, their police station is in close proximity to the Carnahan Quadrangle, and they would have been able to provide additional officers immediately should the need have arisen. Chief Schwandt described the MU Columbia campus as a fairly small and contained campus, and his Department had no concerns about providing adequate support and protection to those on the Carnahan Quadrangle during that period.

As Basler walked around the Carnahan Quadrangle on November 9, she noticed an area where there was a group of African American men, which she described as perhaps 30 – 50 years old, and a female student arguing with reporters and photographers, telling them to not take their picture. Basler approached the area and saw an individual she later learned was Tim Tai and several other media members outside the ring. She asked the female student if she wanted assistance, to which the woman replied, “yes, I don’t want them to take my photograph.” Basler then joined the ring of people right in front of Tim Tai, and she and Tim Tai pushed on each other to some extent, as he tried to enter the area and she tried to block his access and ability to take photographs of the protesters. She did not identify herself to Tai when he asked who she was, and she claimed that her name was “Concerned Student 1950” when he asked her whether she was in the Greek Life Office. Eventually, she and the other people in the ring with her made a sustained movement forward, pushing Tim Tai and other media representatives back as they increased the size of the ring to include most of the Carnahan Quadrangle. (See Exhibit 9, at 02:45 – 07:05; Exhibit 10, at lines 51 – 124)

During her February 3, 2016 interview, Basler acknowledged that she heard someone yelling at the media when she was interacting with Tim Tai, but did not know who it was until she later watched the videotape and saw it was Professor Click. Basler advised us that, had she been aware of the shouting and yelling at Tai by Professor Click and others before she arrived in the area, she would have better understood Tai’s frustration and why the situation had escalated, and would have dealt with him differently. However, until she later saw the videotape, she was unaware of those things. Basler told us that she believed she had official authority to order media from the area because the students did not want their photographs taken, however she was unfamiliar with First Amendment issues.

That morning, Basler did not see Mark Schierbecker on the Carnahan Quadrangle, and did not see the incident between him and Professor Click. Sometime around 12:00 p.m., Basler received a telephone call from her supervisor, the Director of Student Life, who told her that he had been contacted by the campus news bureau and that she needed to calm down and watch herself. She told him she would.

### **E. Mark Schierbecker Incident**

At the time Janna Basler and the people with her in the ring moved forward to move Tim Tai and other media members away from the area, Schierbecker found himself inside the ring of people. Once inside the ring, Schierbecker saw Professor Click standing about ten feet away. During our interview, Schierbecker said that he wanted to know why they wanted to keep the media out, so Schierbecker approached her, and said, “I’m media, can I talk to you?” Professor Click yelled, “No, you need to get out, you need to get out!” to which Schierbecker replied, “No, I don’t.” At that point, Professor Click reached toward Schierbecker and physically knocked Schierbecker’s camera ajar which he was holding in his hands in what Schierbecker believed was an attempt to swipe it out of his hands, Professor Click saying again, “You need to get out!” Professor Click then walked a few steps away toward a group of individuals and began to yell, “Hey who wants to help me get this reporter out of here?” and while pointing at Schierbecker said, “I need some muscle over here, help me get him out, who’s gonna help me?” At that time, a female student approached Schierbecker and the two began a calm discussion about what Schierbecker was trying to document, but Professor Click returned and again yelled at him, “You need to get out! You need to get out!” When Schierbecker told her that he had a right to be there in a public place, owned by the University, Professor Click told him, in what Schierbecker perceived as a sarcastic tone, “I know. That’s a really good one, and I’m a Communication faculty and I really get that argument, but you need to go, you need to go, you need to go.” She continued to block his camera with her hand while she was yelling at him. (See Exhibit 9, at 07:05 – 07:45; Exhibit 10, at lines 126 – 137)

Several students responded to Professor Click’s call, came over and told Schierbecker to leave the area. A number of students then pushed against him and blocked his camera, moving him toward the outer line of students. Schierbecker recalls, and the videotape reflects, that Professor Click continued to walk along while he was being forced from the area, and when they reached the perimeter, she told the students, “Can you all make room for this reporter to get out please? He wants to go out pretty bad. And don’t let him back in. You guys need to make room for this guy to come through, he shouldn’t be in here. And don’t let him back in.” (See Exhibit 9, at 07:45 – 09:30; Exhibit 10, at lines 138 – 156) (See also, Exhibit 11, at 00:00 – 00:40)<sup>5</sup>

During our February 2, 2016 interview of Professor Click, she denied seeing Schierbecker being touched or pushed by the students she called in to help, nor does she recall watching what happened to him—her memory is that she walked away after calling for assistance. She did not recall instructing students not to let Schierbecker back into the circle as he was being pushed out, but said that after her interaction with Schierbecker she walked around the circle thanking the students for keeping the media out and directing students to “keep the perimeter strong.”

Schierbecker filmed for a few more minutes outside the ring that had formed, and watched as Professor Click made her way around the inside of the ring, again telling the students to keep the press and media out. (See Exhibit 12) When she saw Schierbecker standing outside

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<sup>5</sup> This video is available and may be viewed in its entirety at:  
<http://www.thedailybeast.com/articles/2015/11/09/mizzou-protesters-to-media-stay-out-of-our-safe-space-or-we-ll-call-the-cops.html>.

the perimeter, she told the students that he was a “good one.” (See Exhibit 9, at 11:30 – 11:55, and Exhibit 10, at line 162)

During our February 1, 2016 interview, Schierbecker advised that he felt threatened by Professor Click’s confrontational actions and her yelling, and by her pushing him and his camera. Additionally, when she called for muscle to remove him from the area he felt he might be physically harmed. As he was surrounded by the students pushing him outside the ring, he feared for his personal safety.

During our February 2, 2016 interview with Professor Click, she said that, on November 9, she did not know Schierbecker or have any reason to think he was or was not an MU student. At first sight, Schierbecker was inside the perimeter and approaching Professor Click, which she perceived as threatening. He introduced himself as “media” and asked to speak with her, but she found his introduction suspicious and did not believe he was media. She noted that Schierbecker had a small camera that appeared unprofessional to her. She advised us that she was concerned that he might be armed with a gun, particularly as the Missouri Legislature had recently passed a law allowing concealed firearms on campus. (Note, Missouri had not enacted such a law as of November 9, 2015. While bills are currently pending in the state legislature, none have been enacted.)

Professor Click also stated during our interview that she reached out toward Schierbecker and pushed his camera as a knee-jerk reaction to Schierbecker entering her space. Professor Click maintained that her actions were directed at Schierbecker’s camera and not his person.

**i. Professor Click’s Call For “Muscle”**

There has been much public discussion and debate about Professor Click’s call for “muscle” during the November 9 incident with Mark Schierbecker. Schierbecker, as stated previously in this Report, understood those words to be a threat, and felt he might be physically harmed in the situation. (See Exhibit 9, at 07:10 – 07:35; Exhibit 10, at lines 126 – 135)

During our February 2, 2016 interview with Professor Click, when asked about her request for “muscle,” she reiterated her story about the interaction with a Geology professor on November 8 and said that after that incident someone told her it was common practice in the camp that when something got heated, large men would come in to defuse the situation. Professor Click characterized this as a “protocol,” based on her November 8 observations in which students reacted similarly to confrontational situations. No one actually told Professor Click that a “protocol” existed, but she assumed it based on the consistency of their actions. Professor Click added that Schierbecker introduced himself in a way that was uncertain to her and she wanted larger men to escort him away because Professor Click felt she could not handle it herself.

During our February 4, 2016 interview with School of Journalism Associate Dean Esther Thorson, she described a meeting held with the doctoral faculty of the School of Journalism and Professor Click on Tuesday, November 10, the day after this incident. That meeting, discussed in more detail later in this Report, was held to determine whether Professor Click’s courtesy appointment to the School of Journalism should be terminated. Professor Thorson told us that,

during that November 10 meeting, Professor Click was allowed to explain her conduct during the incidents with Tim Tai and Mark Schierbecker. In particular, Associate Dean Thorson recalls specifically the issue of Professor Click's calling for "muscle" to help eject the student journalist Schierbecker. She remembers that Professor Click told her and the other faculty members present at the November 10 meeting that there was a male student member of the protest group who was very large and strong, and everyone had nicknamed him "The Muscle." Professor Click said that's who she was trying to get involved in the incident with Schierbecker.

During our February 11, 2016 interview with School of Journalism Associate Professor Tim Vos, he told us that he was present during the November 10, 2015 faculty meeting. Regarding the video of Professor Click's interaction with Mark Schierbecker, Professor Vos said that he viewed the video on November 10, prior to the meeting with Professor Click. He has only seen the version that ended shortly after her call for "muscle." Professor Vos felt that the video stopped at "the most inflammatory point," and he was interested in learning what took place after that.

When asked how Professor Click explained to the faculty her call for "muscle," Professor Vos replied, she told us that "she was asking for a particular gentleman who was a lot bigger than her." Professor Vos added that he did not get the sense that "muscle" was his actual nickname, but that Professor Click could not remember that person's name, so she called him "muscle". Professor Vos said, "That was who she called for."

During our February 12, 2016 interview of Professor Click, we asked her whether she could recall the specifics of what she told the faculty during the November 10 meeting. Professor Click told us that she did not remember the specifics, and could not recall the details of what she said during that meeting. We then asked Professor Click whether she could recall what she told the faculty about her encounter with Mark Schierbecker, and her calling for help and "muscle". She could not recall any specific statements that she had made to the faculty about that. We then asked Professor Click specifically if she recalled telling the faculty that, when she called for "muscle", she was calling for a specific male individual to come and help clear Schierbecker from the area. In response to our specific question, Professor Click told us that there were several male students in the area of the tents, that they were all larger than she was, and that she was calling for them to assist her. She was not calling for any one particular individual, although she did tell us that there was one male within the group who was a Mizzou football team alum, but that she was not calling for him specifically. She reiterated what she told us in our previous February 2, 2016 interview, that she understood it to be the habit during the protest for larger male students to help the smaller students.

#### **F. Other Witnesses**

At the conclusion of our February 2, 2016 interview of Professor Click, she and her attorney provided Bryan Cave with a list of individuals who Professor Click said had information concerning the matters under investigation. Professor Click was unable to articulate any specifics as to what information the witnesses might be able to provide, other than some of the individuals were present on the Carnahan Quadrangle on November 8 or 9, and some were members of Concerned Student 1950.

Bryan Cave sought to interview each and every one of the individuals who Professor Click identified, telephoning each person, and leaving several messages for them to call us back. Nine of the individuals consented to speak with us. (See Exhibits 36, 37, 38, 39, 41, 43, 44, 47, and 48) Only one of these individuals actually witnessed the Tim Tai incident or the Mark Schierbecker incident on November 9; Student 1<sup>6</sup> said she witnessed the incident between Professor Click and Mark Schierbecker. Several of these individuals were members of Concerned Student 1950, and advised that on November 9, 2015 there was a lot of tension between student protesters and the media on Carnahan Quadrangle. A number of the individuals were faculty members during fall 2015, and described the journalists on Carnahan Quadrangle on November 9, 2015 as aggressive. Many of these individuals expressed an opinion of Professor Click's good character.

Student 2, a member of Concerned Student 1950, did not witness the incident with Mark Schierbecker, however she characterized Professor Click's call for "muscle" as asking for more people for the human barricade to move Schierbecker outside it and not to "pummel" or otherwise be violent toward him. She said there were no students, large males or otherwise, who were designated as informal security during the protests. Student 2 said that there was no student associated with the protest who was nicknamed "Muscle."

Student 3, a founding member of Concerned Student 1950, did not witness the incident with Mark Schierbecker, however he characterized Professor Click's call for "muscle" as her need for more individuals to talk to Schierbecker. Student 3 told us that there were no students who informally acted as security during the protest, and when he was asked whether there was possibly a student who was nicknamed "Muscle," Student 3's response was to laugh. Student 3 added that he thinks the white supremacist media is trying to criminalize Professor Click for standing up for black students.

Student 4, an original member of Concerned Student 1950, did not witness the incident with Mark Schierbecker, but told us that Professor Click had been hit earlier on November 9 by a reporter's camera or a reporter as Professor Click was escorting Student 4 from the area. As to Professor Click's later call for "muscle," Student 4 believed that Professor Click was calling for men to help her with the reporters, because Professor Click had been hit earlier.

Student 1 is a senior undergraduate student at MU, and a member of Concerned Student 1950. During the past year she has become very close with Professor Click. She said she witnessed the incident between Professor Click and Mark Schierbecker, but did not recall any of the details. She said that Professor Click was simply trying to protect the students camped out on the Carnahan Quadrangle that day. Student 1 described the media as overly aggressive and disrespectful to members of Concerned Student 1950.

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<sup>6</sup> In deference to privacy interests, these student witnesses are not identified by name.

**G. November 9, Following the Tai and Schierbecker Incidents**

**i. Mark Schierbecker**

Mark Schierbecker left the Carnahan Quadrangle and went to the School of Journalism library to begin working on a rough cut of his videotape. After approximately 30 minutes, he posted the videotape to Facebook. Schierbecker saw an article about the treatment the media received. He reached out to the magazine, which offered to link to his Facebook video, and he also posted the video on YouTube. At approximately 4:00 p.m., Schierbecker, who had identified Professor Click from the Communication Department faculty page, posted her name and university email address to the online postings, and encouraged viewers to “Give her a piece of your mind.” Later that evening, Schierbecker reported that he had been assaulted by Professor Click to the MU campus police, wanting to make sure that he made a written record of her conduct. He advised the officer who took the initial report that he needed time to decide if he wanted to formally bring charges against Professor Click.

**ii. Professor Click**

Professor Click first noticed something unusual at approximately 4:45 p.m. that same afternoon, when she logged into her university email account and found many irate, sometimes hate-filled messages. Her husband, Professor Callahan, telephoned her at about that same time and told her about the videotape. Professor Click then communicated with Department Chair McKinney and Dean O’Brien, as she was concerned it would turn out to be a media spectacle. She immediately shut down her Twitter and Facebook accounts, as well as her personal email account. She viewed the videotape later that evening.

**iii. Communication Department Chair**

Communication Department Chair McKinney learned of the videotape when Professor Click called him around 4:00 or 4:30 that afternoon. She told him that an incident had happened on the Carnahan Quadrangle earlier in the day, that there was a videotape of her and that it might go “viral.” Professor McKinney had not seen the videotape, but told Professor Click “let’s not blow this up,” and advised Professor Click not to worry because he was certain the issue would pass. During our February 3, 2016 interview, Professor McKinney said his initial response was driven by Professor Click’s tendency to be dramatic, so he did not want her to blow the situation out of proportion.

Professor Click followed up with an email around 5:25 that evening, but Professor McKinney did not see the actual videotape until he returned home later that night. By that time he had received over 100 emails concerning Professor Click’s conduct on Carnahan Quadrangle. He found and watched both the short and long versions of the videotape around 8:00 or 9:00 that night. As Professor McKinney told us during our interview with him, his initial reaction to Professor Click’s actions depicted in the videotape was not one of great surprise, and he remarked that none of the faculty he spoke with were surprised either. He said that Professor Click frequently gets upset, and she can be loud in stating her opinions to faculty and students. When this occurs, she can be heard throughout the Communication Department. Professor McKinney clarified that he has no issue with Professor Click being vocal or boisterous, but he

considers intimidation and physical aggression unacceptable. While he has seen Professor Click exhibit loud and boisterous behavior, he has never witnessed her being physically aggressive in the past.

Professor McKinney's personal reaction to the video was that Professor Click's actions were wrong. He was most concerned about Professor Click's interaction with Mark Schierbecker. Schierbecker was talking with her about why he was there, and Professor Click identified herself as a Communication Professor as justification for why he should not be there, and in a mocking way. Her use of her title and position in telling Schierbecker he should not be there was wrong and went over the line. Her identification of herself as a faculty member, engaged in what was touted as a teach-in was to him the most troubling aspect of the video.

When Professor Click touched or grabbed Schierbecker—and asked others to participate—Professor McKinney believed it was a literal request, not a metaphorical one. Professor McKinney knew immediately that her behavior was wrong and that the department had to address it.

#### **iv. Janna Basler**

Later that afternoon, Janna Basler was walking through the Vice Chancellor's Office when a secretary advised her that she, Basler, was famous. Vice Chancellor Scroggs then told Basler that some people were really upset about what happened at the Carnahan Quadrangle that morning, but she had calmed them down. Basler had not seen the videotape, but checked her email and found hate mail concerning her interaction with Tim Tai earlier that morning. Basler went home and watched the videotape. Her initial reaction to seeing Professor Click's altercation with Mark Schierbecker was one of alarm at Professor Click's conduct, and to think to herself that she was glad that she had not done something like that herself.

#### **v. School of Journalism**

At the MU School of Journalism, beginning during the afternoon of November 9, "all hell broke loose" with inquiries to the School from media and alumni suggesting that Professor Click was a faculty member at the School. At some point in the afternoon, a faculty member told Dean Kurpius that he needed to watch a videotape made at Carnahan Quadrangle. Dean Kurpius watched the videotape, and saw the incidents involving Professor Melissa Click, Tim Tai, and Mark Schierbecker. His immediate reaction was that, while he cares deeply about the rights of the protesters, he believed the journalists had a right to cover the protest, particularly since it was taking place at a public space on the campus of a public university. As he told us during our February 3, 2016 interview, this was a story of public interest that deserved media coverage. Dean Kurpius felt that Professor Click's actions were wrong, and it was not her role to prohibit or exclude the media and journalists from the area of the protest. Nobody should lay hands on a journalist, as she did in reaching out and pushing Mark Schierbecker's camera. Dean Kurpius believed that it was appropriate for both sides to hold their ground as Tim Tai and the students were doing, but it was inappropriate and wrong for Professor Click, through her actions and words, to escalate the situation. Carnahan Quadrangle is a public space, a space recognized for free speech, and it was 100% appropriate for the journalists to be there.

**5. NOVEMBER 10, 2015**

**A. Professor Click**

Professor Click met with Department Chair McKinney Tuesday morning, November 10, and he advised her that he had been in touch with the School of Journalism, and they could facilitate a conversation with and an immediate apology to Tim Tai. He also recommended she apologize immediately to Mark Schierbecker. Professor Click apologized to Tai by phone shortly after that, and sent an email to Schierbecker's university email account asking to meet. She did not know whether Schierbecker replied to her email because she was receiving so many emails at that time. She also met with Professors Debbie Dougherty and Rebecca Meisenbach, who are experienced in crisis communication and who assisted Professor Click with drafting a statement regarding the incidents on the Carnahan Quadrangle. The statement was then reviewed and edited by MU public relations staff before its release to the media later that day. (See Exhibit 16)

**B. Communication Department Chair**

Professor McKinney heard from the School of Journalism, MU's Public Relations office and the Dean's office on the morning of November 10, and had several conversations regarding what to do about Professor Click. He immediately began drafting a statement for release affirming that intimidation is never acceptable and reiterating support for student journalists. (See Exhibit 14) Professor McKinney told us during his February 3, 2016 interview that this statement was perceived by Professor Click and her allies as throwing her under the bus.

**C. Mark Schierbecker**

Mark Schierbecker received Professor Click's email request to talk, but before responding he contacted his friend, Danielle Muscato, and requested that she act as his publicist. KBIA, the local NPR affiliate, asked for an interview. Schierbecker called the station and told them that he would stop by that afternoon. He gave interviews to Newsy and KOMU, then tried to reach Professor Click by email and phone, but her voicebox was full.

**D. Janna Basler**

Janna Basler met with the Director of Student Life, Mark Lucas, and he directed the University's marketing and communications departments to take over her social media, Facebook, Twitter, and personal email accounts. Lucas also requested that she issue a statement of apology which she drafted and the department edited. It was released Tuesday evening to the public. (See Exhibit 17)

**E. School of Journalism**

By Tuesday morning there were so many media inquiries to the School of Journalism that they could not keep up with responding. The issue causing the belief that Professor Click was a professor at the School of Journalism stemmed from her courtesy appointment to the School, as part of the doctoral program. Because of her courtesy appointment she was listed on the School of Journalism's faculty page on its website. Dean Kurpius of the School of Journalism issued a

public statement on November 10 explaining that Professor Click was not a faculty member in the School of Journalism. He also expressed the School's pride for photojournalism senior Tim Tai for how he handled himself during the protest at Carnahan Quadrangle, and stated that protesters had blocked Tai's access through physical and verbal intimidation. (See Ex. 15)

During our February 3, 2016 interview with Dean Kurpius, he advised that, while some may disagree, he believes that the November 9 incidents with Tim Tai and Mark Schierbecker infringed upon their First Amendment rights as journalists. He stated that Carnahan Quadrangle is state property owned and managed by the University, it is a space where the public regularly convenes for various activities, including for purposes of free speech, and Professor Click and the other faculty involved are employees and representatives of the University. While Dean Kurpius admires Professor Click's willingness to stand up for the rights of the protesters, he believes she should stand up for the rights of all students, and when conflict occurs she should act in a way that does not escalate the conflict. He believed her ranting and chants against Tim Tai and other media, her call for "muscle" to eject Schierbecker, and her laying hands on Schierbecker, a student journalist, infringed upon their First Amendment rights that day and was wrong.

The issue of Professor Click's courtesy appointment fell primarily to the School of Journalism's doctoral faculty, chaired by Associate Dean for Graduate Studies Esther Thorson. During our February 4, 2016 interview, Associate Dean Thorson advised that when she first viewed the videotape, her initial reaction was one of surprise and shock as to Professor Click's conduct at raising her voice at the student journalists and pushing the one student journalist in order to keep the journalists from the area of the protest. During the morning of November 10, Associate Dean Thorson and other members of the executive team and faculty discussed what to do about the surge of negative communications coming into the School, how to address the First Amendment issues impacted by Professor Click's conduct, as well as what to do about Professor Click's courtesy appointment at the School of Journalism.

The doctoral faculty ultimately determined to allow Professor Click to address them before they made a final decision on her courtesy appointment. At 5:00 p.m. the doctoral faculty, the promotion and tenure committee, and Dean Kurpius met. Professor Click arrived and addressed the meeting for approximately forty minutes. She said she was very sorry for her conduct, and described in some detail the events leading up to November 9 and what happened on that day.

It was during this meeting that Professor Click told the faculty committee members about the student nicknamed "The Muscle," discussed earlier in this Report.

After Professor Click left the meeting, one of the faculty members suggested that before they vote, they ask Professor Click if she would resign her courtesy appointment. Associate Dean Thorson telephoned Professor Click and inquired whether she would resign. Professor Click told her that she needed to consult with her lawyer. A few minutes later, Professor Click called back and said that she would agree to resign her courtesy appointment to the School of Journalism. The School of Journalism announced the resignation that evening.

## **F. The Maneater Newspaper**

During a February 11, 2016 interview, one of the student managers of The Maneater told us that, beginning on November 9, 2015 and continuing for the next days and weeks, the focus of news coverage at The Maneater was on the resignations of President Wolfe and Chancellor Loftin. While there were certainly a considerable number of media stories appearing regarding the incidents between Professor Melissa Click and students Tim Tai and Mark Schierbecker, that was not the focus of The Maneater at that time, as they had limited reporting resources. Nonetheless, The Maneater began receiving calls and emails from MU alumni and others who were upset that Professor Click served on the MU Student Publications Board, which oversees The Maneater. As she told us during our interview, neither this student manager nor any other student manager at The Maneater had ever met Professor Click, much less spoken with her concerning The Maneater. The student contacted Vice Chancellor Scroggs, explained the uproar over Professor Click being on the Student Publication Board, and requested that Professor Click be removed from that Board. Vice Chancellor Scroggs then removed Professor Click from the Board and also removed her name from the website listing.

As to Mark Schierbecker, the student told us during our interview that, at one point in time Schierbecker was a staff photographer for The Maneater, but that he had no recent contact with the management staff of The Maneater. The student said that following the November 9 incident, they were getting numerous inquiries as to whether Schierbecker was on The Maneater staff. The Maneater sent Schierbecker an email notice on November 16, 2015, advising him that he was not a staff member of The Maneater, believing that his involvement in the November 9 incident created a conflict such that he could not be associated with The Maneater. (See Exhibit 30) The student told us during our interview that The Maneater did not receive pressure from anyone or any organization to advise Schierbecker that he was not a staff member, that the decision was based solely upon The Maneater's view that he could not be associated with the newspaper due to what they viewed as a conflict. The student also told us that it was important for The Maneater to remain "neutral" in its coverage, and did not want to be viewed as a member of any camp; either Professor Click's supporters or the supporters of Tim Tai and Mark Schierbecker.

## **6. NOVEMBER 11, 2015**

### **A. Mark Schierbecker and Professor Click**

At about 2:30 p.m. on Wednesday, November 11, Schierbecker, accompanied by Muscato, went to Professor Click's office to attempt to speak with her in person. At first he was told that she was unavailable, but he could hear her inside her office. He knocked and announced himself, and she allowed Schierbecker and Muscato to enter, but refused to allow them to record the conversation. One of her graduate students was present, and remained there for the duration of the meeting. During their conversation, Schierbecker stated that Professor Click apologized to Schierbecker and explained that she had gotten involved with Concerned Student 1950 over the preceding couple of weeks, and had grown to like the students. According to Schierbecker, Professor Click told him that during the protest, she became wrapped up in the moment and slipped up. She asked if he would consider forgiving her at which time Schierbecker told her that he felt her apology was insufficient, and that she needed to apologize

to the general public for her actions. Schierbecker told her he was going on KBIA later, and asked her to join him and give a public apology live on air at 6:00 p.m. He believed that she needed to apologize to the public, not just him, for her conduct. During our February 2, 2016 interview, Professor Click stated that Schierbecker wanted her to acknowledge that she was an “oppressor” who had violated his First Amendment rights. Professor Click told Schierbecker that she would check with her supervisor about going on KBIA with him. Schierbecker later was interviewed off-air by KBIA, but Professor Click did not join him. Schierbecker later typed up what he described as a list of demands for Professor Click, but which was in essence a summary of their earlier office meeting. (See Exhibit 18)

**B. Mark Schierbecker Agrees to Press Charges Against Professor Click**

When contacted by the MU campus police later that evening as to whether he wanted to press charges against Professor Click, Schierbecker advised that he did, in fact, want to press charges against her for her actions on November 9, 2015. (See Exhibit 13)

**C. Janna Basler**

Also on November 11, at the suggestion of her department, Janna Basler texted Tim Tai and requested to meet. They later met and she apologized to him for her conduct and behavior. Earlier that day, the Director of Student Life had suspended Basler from her campus position until January, 2016.

**D. Tim Tai**

Regarding the various apologies issued to Tim Tai, during our February 2, 2016 interview of Tai, he described Basler as gracious, genuine and sincere in her apology. He told Basler he was sorry that she was receiving threats and other negative attention from the November 9 incident.

As to Professor Click’s request to speak with him, after discussing it with his faculty advisor in the Photojournalism Department, Tai decided to talk to her to relieve the pressure of the situation. He was overwhelmed by all of the controversy and wanted it to end. Tai called Professor Click’s office with his advisor present in the room. Tai described Professor Click as sincere in her apology. Tai accepted her apology and replied that he was sorry Professor Click was receiving threats.

During our interview, Tim Tai also told us that the day after he had received Professor Click’s apology, Professor Callahan emailed him to say that he would like to talk. Callahan later called Tai to apologize for his behavior, but added that some other members of the media in the days before November 9 had been trying to enter the students’ tents and that’s why the crowd was so anti-media. Professor Callahan also said he was trying to protect the students, and told Tai that the University had come down too hard on his wife, Professor Click. Professor Callahan asked Tai if he would do something to reduce the severity of the response by the School of Journalism to Professor Click’s actions, but Tai said he did not know what he could say or do that would make a difference or alleviate the criticism of Professor Click.

## **7. DECEMBER, 2015**

The controversy surrounding the November 9, 2015 events on the Carnahan Quadrangle continued into December, with additional media reports and continued campus discussion.

On December 1, 2015, Mark Schierbecker met with Columbia, Missouri Prosecuting Attorney Steve Richey regarding the assault charge against Professor Click. Schierbecker advised Richey that he still wished to press charges, but really wanted Professor Click to go on air with him to gain “some understanding of what had happened that day that caused her to get so riled up to physically assault students.” Richey replied that he could speak with Professor Click’s attorney about that. During his February 1, 2016 interview, Schierbecker stated that he had changed his mind about demanding a public apology from Professor Click, and now believed the interview presented an opportunity for Professor Click to speak on her own behalf and on behalf of her causes. There were further discussions between Mr. Richey, Schierbecker, and Professor Click’s criminal defense attorney, Mr. Christopher Slusher, about the possibility of an interview either on KBIA or some other media outlet. Nothing ever came of these discussions.

On December 2, 2015, the MU Student Government Association (SGA) Senate passed a Resolution calling on the Administration and Communication Department to “reevaluate and release a statement in regards to the actions of Professor Melissa Click on November 9, 2015.” In the Resolution, the SGA Senate noted that Professor Click had “prevented a student journalist from taking pictures and reporting on the student protest”, and that Professor Click was “heard calling for “muscle” to remove the University of Missouri student that was recording the interaction.” (See Exhibit 19)

On December 3, 2015, the School of Journalism announced that Tim Tai had been selected as the recipient of the First Amendment Defender Award. (See Exhibit 20)

On December 8, 2015, Janna Basler received a formal Letter of Reprimand from her department. (See Exhibit 21)

On December 14, 2015, approximately 100 MU faculty members issued a letter in support of Professor Click. (See Exhibit 22) During our February 3, 2016 interview, Professor McKinney advised that only one of the thirteen active Communication Department faculty members signed the letter. This suggested to Professor McKinney that his faculty felt Professor Click’s actions were wrong, and this was confirmed by his discussions with other faculty members in the department. Professor McKinney stated that he has been pressured by Professor Callahan and faculty organizations because he would not sign the letter. Professor McKinney did not sign the letter and told Professor Callahan that signing would present a conflict of interest because, in the event that a charge of irresponsibility is brought against Professor Click, he would have to review the charge.

On December 18, 2015, the University Provost issued a formal Letter of Reprimand to Professor Click. (See Exhibit 23) Among other points, the Provost pointed out that Professor Click’s “behavior was completely unacceptable for a Mizzou faculty member.” “Physical confrontations and calls for aggressive acts have no place at Mizzou.” Professor Click replied to

the Provost by email that same day, stating among other things, "I am truly sorry for the ways my actions have negatively impacted the MU community." (See Exhibit 24)

During our February 12, 2016 interview of Professor Click, we questioned her about the December 18, 2015 Letter of Reprimand. We asked whether she agreed with the contents of the Letter of Reprimand, and she responded that she believed it was harsh, and that the Provost should have spoken with her to get her side of the story before issuing the letter. She told us that the letter was not totally unfounded, but that she should have been asked about the incidents before the letter was issued. We then asked her about specific statements in the Reprimand Letter to allow her to respond. When asked whether she agreed that her November 9 "behavior was completely unacceptable for a Mizzou faculty member," she replied "no," she did not agree, that was too harsh a statement, and again she stated that she was never asked for her description of the events. When asked whether she agreed that she "had failed to exercise appropriate restraint" on November 9, she replied "no," she did not agree, that the situation was very stressful, and that she acted out of concern for the students. She said that, after November 9, she has been told by others that they would have acted in the same fashion had they been in her position. When we asked her whether she agreed that she "failed to show respect for the opinion of others" on November 9, she replied "no," she did not agree, as she had instead encountered an individual who was not respecting others. She identified the individual she was referring to as Mark Schierbecker. Finally, we asked her whether she agreed that she had "made a serious mistake" on November 9, and she replied "no," she did not agree, she would not use the word "serious."

## **8. JANUARY, 2016**

On January 25, 2016, Professor Click was formally charged by the Prosecuting Attorney of the City of Columbia with Assault in the Third Degree stemming from her November 9, 2015 altercation with Mark Schierbecker. The Warrant submitted to the Prosecuting Attorney by the MU Campus Police Department states: "On 11/09/2015 at approximately 1030 hours on the University of Missouri Mel Carnahan Quadrangle, Melissa Anne Click assaulted M.S. by grabbing at his camera with her hand and attempting to knock it from his grasp. Click also assaulted M.S. by calling out and asking for other people in the area at the time to forcefully remove him from the quad, after he refused to obey her orders to leave. This caused M.S. to fear he was in danger of immediate physical injury." (See Exhibit 26)

Also on January 25, 2016, KBIA published an article discussing the background and issues raised concerning the possibility of Mark Schierbecker and Professor Click appearing together on their station. (See, Exhibit 25)

On January 29, 2016, Professor Click entered into a Deferred Prosecution Agreement with the Columbia Prosecuting Attorney requiring her to perform community service and obey all laws for the period of one year. If Professor Click complies with those conditions, no further criminal proceedings will be brought against her relative to the assault charge. (See Exhibit 28) Prosecuting Attorney Richey issued a press release on January 29, 2016, stating: "Based on the facts of this case, I believe this disposition to be appropriate." "This disposition is in keeping with my office's handling of dozens of similar Municipal cases and adequately serves the interest of justice by ensuring the defendant will not engage in similar conduct." The release also stated

that, if Professor Click violates any condition of the agreement, prosecution of the case will resume at that point. (See Exhibit 29) In our February 4, 2016 interview of Mr. Richey, he advised that, based upon the evidence and his review of the facts, Professor Click's actions against Mark Schierbecker met the assault third statute and, therefore, he felt it appropriate to bring the charge against the Professor.

## **9. FEBRUARY, 2016**

Following the announced Board of Curators' investigation, Professor Click has provided interviews to various media organizations, addressing the October 10, 2015 Homecoming parade, the November, 2015 events on Carnahan Quadrangle, her faculty position with the University, the Board of Curators' investigation, and various other of her thoughts and opinions:

On February 10, 2015, Columbia, Missouri Television Station KMIZ aired an interview with Professor Click.<sup>7</sup>

On February 10, 2015, Professor Click gave an interview to Columbia, Missouri radio station KBIA.<sup>8</sup> (See Exhibit 31)

During our interview with the student manager of The Maneater, she told us that The Maneater had been contacted by Professor Click's media / public relations firm, Status Labs. Lacy Rushin, Senior Media Director for Status Labs, had requested The Maneater interview Professor Click for publication. That interview was scheduled for February 12, 2016.

On February 13, 2016, the Columbia Missourian published an in depth interview of Professor Click, entitled, "Melissa Click Says She'll Fight to Restore Her Reputation, Keep Job", mentioned previously in this Report.<sup>9</sup>

On February 14, 2016, the Columbia Daily Tribune published an article entitled, "Melissa Click Wants People to Understand Context of Her Behavior During Demonstrations."<sup>10</sup>

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<sup>7</sup> <http://www.abc17news.com/news/exclusive-full-interview-with-dr-melissa-click/37928654>.

<sup>8</sup> <http://kbia.org/post/interview-melissa-click>.

<sup>9</sup> [http://www.columbiamissourian.com/news/higher\\_education/melissa-click-says-she-ll-fight-to-restore-her-reputation/article\\_043d5036-d1c5-11e5-b06b-37c7c1b58b82.html](http://www.columbiamissourian.com/news/higher_education/melissa-click-says-she-ll-fight-to-restore-her-reputation/article_043d5036-d1c5-11e5-b06b-37c7c1b58b82.html).

<sup>10</sup> [http://www.columbiatribune.com/news/education/turmoil\\_at\\_mu/melissa-click-wants-people-to-understand-context-of-her-behavior/article\\_463b1b36-f4fe-57ce-ba14-db638106bc3b.html](http://www.columbiatribune.com/news/education/turmoil_at_mu/melissa-click-wants-people-to-understand-context-of-her-behavior/article_463b1b36-f4fe-57ce-ba14-db638106bc3b.html).

On February 14, 2016, the Columbia Daily Tribune published an article entitled, “Political Pressure on University of Missouri Curators’ Investigation Troubles Click.”<sup>11</sup>

On February 14, 2016, the Columbia Daily Tribune published an Opinion authored by Professor Click, entitled “Actions on Quadrangle Were Spontaneous, Instinctive and Regrettable.”<sup>12</sup>

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<sup>11</sup> [http://www.columbiatribune.com/news/education/turmoil\\_at\\_mu/political-pressure-on-university-of-missouri-curators-investigation-troubles-click/article\\_6b3a3906-23dd-513a-9a43-6e157dbaa082.html](http://www.columbiatribune.com/news/education/turmoil_at_mu/political-pressure-on-university-of-missouri-curators-investigation-troubles-click/article_6b3a3906-23dd-513a-9a43-6e157dbaa082.html).

<sup>12</sup> [http://www.columbiatribune.com/opinion/actions-on-quadrangle-were-spontaneous-instinctive-and-regrettable/article\\_c94138b1-9182-5de7-93e9-8243b1bdcfb0.html](http://www.columbiatribune.com/opinion/actions-on-quadrangle-were-spontaneous-instinctive-and-regrettable/article_c94138b1-9182-5de7-93e9-8243b1bdcfb0.html).

## **EXHIBITS TO BRYAN CAVE REPORT**

1. Photograph, October 10, 2015 Homecoming Parade, start of Concerned Student 1950 protest.
2. Videotape, October 10, 2015 Homecoming Parade. This video is available and may be viewed in its entirety at: <https://www.youtube.com/watch?v=u6zwnmlzZSQ>.
3. Statements issued by the Department of Communication, October 15, 2015 and November 8, 2015.
4. November 7, 2015, Professor Click Facebook post.
5. November 8, 2015, Statement of President Wolfe.
6. November 8, 2015, Concerned Faculty 1950 Facebook post.
7. November 9, 2015, photograph protester speech with Professor Click.
8. November 9, 2015, Mark Schierbecker videotape, part one.
9. November 9, 2015, Mark Schierbecker videotape, part two.
10. November 9, 2015, transcript of exhibit 9 (Mark Schierbecker videotape, part two).
11. November 9, 2015 videotape, Daily Beast. This video is available and may be viewed in its entirety at: <http://www.thedailybeast.com/articles/2015/11/09/mizzou-protesters-to-media-stay-out-of-our-safe-space-or-we-ll-call-the-cops.html>.
12. November 9, 2015, photograph Professor Click inside ring of people.
13. MU Campus Police Report, November 9, 2015 incident.
14. November 10, 2015, Statement of Mitchell McKinney.
15. November 10, 2015, Statement of School of Journalism.
16. November 10, 2015, Statement of Professor Click.
17. November 10, 2015, Statement of Janna Basler.
18. November 11, 2015, Mark Schierbecker notes.
19. December 2, 2015, MU Student Government Association Senate Resolution.
20. December 3, 2015, School of Journalism announcement of Tim Tai First Amendment Defender Award.
21. December 8, 2015, Letter of Reprimand, Janna Basler.

22. December 14, 2015, Faculty Letter.
23. December 18, 2015, Letter of Reprimand, Professor Click.
24. December 18, 2015, email response of Professor Click to Letter of Reprimand.
25. January 25, 2016, KBIA article.
26. January 25, 2016, Columbia, Missouri charging documents against Professor Click.
27. January 27, 2016, Statement from University of Missouri Board of Curators.
28. January 28, 2015, Deferred Prosecution Agreement.
29. January 29, 2015, Columbia, Missouri Prosecuting Attorney press release.
30. November 16, 2015, email from Maneater.
- 31.. February 10, 2016, KBIA transcript.
32. Janna Basler Interview.
33. Melissa Click Interview, February 2, 2016.
34. Melissa Click Interview, February 12, 2016.
35. Abbie Brown Interview.
36. Student 5 Interview.
37. Student 4 Interview.
38. Win Grace Interview.
39. Alejandra Gudino Interview.
40. David Kurpius Interview.
41. Student 3 Interview.
42. Mitchell McKinney Interview.
43. Cristina Mislan Interview.
44. Student 2 Interview.
45. Steve Richey Interview.
46. Mark Schierbecker Interview.

47. Stephanie Shonekan Interview.
48. Student 1 Interview.
49. Esther Thorson Interview.
50. Tim Tai Interview.
51. Student Managing Member of The Maneater Interview.
52. Tim Vos Interview.