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Iowa State Daily (February 16, 2018)

Iowa State Daily

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The Costs

Iowa State has paid $120,325 to a private law firm to provide legal assistance on three Title IX cases, $22,624 of which may have been spent without proper legal authorization. The money was paid to Husch Blackwell, a corporate law firm from Kansas City, Missouri, to defend Iowa State in three Title IX cases that pertained to sexual misconduct, and, in one case, racial discrimination.

The funds, paid from July 2017 through Jan. 18, 2018, came out of the general university budget, Iowa State Chief Counsel Michael Norton said. In fiscal year 2016, which is the most recent final university budget, 58.9 percent of that fund was from student tuition.

The total spent on each lawsuit will increase, Norton said, because two of the three cases are ongoing. Niesen v. ISU and Kelley v. ISU are still in the pre-trial stage, and Maher v. ISU had not been dismissed when the Iowa State Daily submitted its request for records.

Former student Melissa Maher’s case against Iowa State was dismissed Tuesday by Chief U.S. Magistrate Judge Helen Adams, who granted Iowa State’s motion for summary judgment. As of Jan. 18, the university had paid Husch Blackwell $71,566.34 on that case. While the totals may have increased in each case since Jan. 18, Maher’s case was the most costly when the Iowa State Daily submitted its request for records.

The second most costly case at the time the records request was submitted was former student Taylor Niesen v. ISU at $25,495, according to invoices.

Iowa State paid the law firm $23,263 for the third case, Robinette Kelley v. ISU, according to invoices. Kelley is the former equal opportunity director and Title IX director at Iowa State. Kelley alleges she was unable to perform her job and was subject to discrimination as a woman of color.

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

Contract Confusion

State entities such as Iowa State are not allowed to hire and pay private attorneys for legal assistance in pending litigation without authorization from the executive council, which is composed of the Iowa governor, secretary of state, treasurer, secretary of agriculture and state auditor.

The attorney general is required to provide a written justification to the executive council as to why attorneys with the state entity are unable to perform the service, according to Iowa Code 13.7. The executive council then approves or denies the request based on the information provided.

The executive council approved the university’s use of Husch Blackwell for “advise and representation, with respect to Title IX litigation and compliance matters” on Sept. 11, 2017.

Invoices show, however, that Husch Blackwell began billing Iowa State for “professional services” in the Niesen v. ISU case on June 2, 2017, before that approval. Invoices show $13,673 accrued in the Niesen case between June 2 and Sept. 11.

Husch Blackwell began billing Iowa State in the Maher v. ISU case on Sept. 1, 2017, 10 days before approval came from the executive council for Husch Blackwell to provide legal assistance related to Title IX litigation. In the Maher v. ISU case, charges of $8,951 were incurred before Sept. 11, 2017.

In total, Husch Blackwell billed Iowa State between June 2 and Sept. 11. Husch Blackwell began billing Iowa State for “professional services” in the Niesen v. ISU case on June 2, 2017, before that approval. Invoices show $13,673 accrued in the Niesen case between June 2 and Sept. 11.

Husch Blackwell began billing Iowa State in the Maher v. ISU case on Sept. 1, 2017, 10 days before approval came from the executive council for Husch Blackwell to provide legal assistance related to Title IX litigation. In the Maher v. ISU case, charges of $8,951 were incurred before Sept. 11, 2017.

In total, Husch Blackwell billed Iowa State between June 2 and Sept. 11 for $22,624, according to invoices from Husch Blackwell.

Norton said that any amounts billed by Husch Blackwell before the Sept. 11 approval by the executive council would have been covered by a contract with Husch Blackwell entered into on Dec. 15, 2016.

That agreement was to provide Title IX training and Fair Labor Standards Act (FLSA) training to staff, Norton said.

“I don’t dictate how they designate what [Husch Blackwell] is going to put on the bill in terms of how they determine their matters, but the questions that we had of them were far broader than just the Niesen case,” Norton said.

Redactions in the documents do not allow the Iowa State Daily to confirm this, but an invoice was sent to Iowa
Students to celebrate Lunar New Year

BY MIA.WANG
@iowastatedaily.com

Lunar New Year is one of the biggest holidays in several Asian countries. Unlike most Western holidays, the Lunar New Year’s date varies every year, because it’s based on the lunar calendar, meaning the dates are based on the monthly cycles of the moon’s phases.

The initial concept of the Lunar New Year came from agriculture; the ancient people called the crop’s growth cycle “year.” In the Xia dynasty (2077 BC–1600 BC), people started to have the “month” concept based on moon cycles. People called the moon a “new moon” whenever it disappeared each month.

The new moon of the first month of the year marks the beginning of a lunar year. This year’s Lunar New Year falls on Friday, Feb. 16, and it’s the year of Dog. The animal zodiac is repeated in a cycle of 12 years.

Chinese families will start their celebration on the last day of the Lunar Year. They gather together around noon and have reunion lunch.

Children of the family will receive red envelopes containing “lucky money” from adults. Qingwei Meng, junior in civil engineering, shared his family’s activities on Lunar New Year’s Eve back in China.

“On Lunar New Year’s Eve, all male members of my family would bring firecrackers and paper money to a high hill. We stand facing the direction of our ancestral grave and light the firecrackers, also burn the paper money,” Meng said. “The reason behind this tradition is we need to invite our deceased family members back home to celebrate this important holiday with us. Going uphill, lighting firecrackers will bring their spirits back.”

This year is Meng’s first Lunar New Year outside his home country. “Some friends of mine and I are gonna have hot pot on Lunar New Year’s Eve. I’m also thinking about going to the gala on Sunday,” Meng said.

The Chinese Students and Scholars Association (CSSA) is organizing a Lunar New Year’s celebration gala on Feb. 18. One of CSSA’s members Yijin Zhao, senior in mathematics, said Lunar New Year in China is all about family gathering and reunion.

“I come from a city in Henan, China, but my family moved to Beijing, so I don’t get to spend time with my grandmother except during major holidays,” Wang said. “One or two days before Lunar New Year’s Eve, my family in Beijing would drive to our hometown and start to prepare for New Year celebration.”

Wang was one of last year’s Lunar New Year gala hosts. She spent the New Year with her CSSA co-workers.

This year she will have a homemade dinner with her friends. “Back home, I would write festival couplets with my family and light up firecrackers, but I love spending holiday with my friends. We share the same experience and get along super well,” Wang said.

Yen Nguyen is from Vietnam and currently pursuing a doctorate degree in chemistry. She said Lunar New Year is the biggest, most significant holiday in Vietnam.

“Usually we have a big ‘goodbye last year’ family gathering before the Lunar New Year. On the official New Year’s Eve, we would have a smaller, more intimate dinner to commemorate our ancestors,” Nguyen said. “On the first day of Lunar New Year, we have a relaxed timetable and would just go and visit friends and families.”

Jin Yew Lim, junior in biological systems engineering, is from Malaysia. Lim said although Lunar New Year is not the biggest holiday in his country, people still celebrate it quite grandly.

“A lot of people, especially Chinese descent will celebrate it pretty well. We’ll have the same traditions like as how Chinese do. We will have reunion dinner, and around midnight, there will be firework.” Lim said. “In Iowa State, I usually celebrate Lunar New Year with my Malaysian friends. We would do potluck, which means every person brings one dish to the party and share with everyone.”

CHINESE ZODIAC

Grant Imahara, famous for his role on "Mythbusters" and "White Rabbit Project," will visit Iowa State to speak on Thursday, Feb. 22. The event will be part of Engineer Week.

Emily Fleming, a senior, and Adam Sievers, a sophomore, have been planning Engineering Week (E-Week) since April of last year. With a team of around 45 people, not including volunteer crew members, the two hope for another successful E-Week.

The two are proud of the work put in and believe this to be an improvement from years past.

Fleming said that every year the E-Week committee improves upon last year looking at attendance at different events last year and student input.

The duo said they’re most excited about the plan to have a theme at this year’s E-Week: movies.

Each day will have some sort of movie film, Harry Potter, Star Wars, Marvel, Pirates of the Caribbean, or Disney.

Fleming and Sievers agree that this week is supposed to be about relaxing and celebrating being an engineer, as well as getting to know the faculty that is in the college.

Being engineers themselves, they understand the stress and work that goes into being an engineer. The week is supposed to be a chance to ease the stress and have a good time surrounded by fellow engineers.

There is also a large emphasis on the meal buttons.

The buttons are open to anyone of any major, and allow you to eat five meals over the course of the week for five dollars total.

This year E-Week is increasing the button lunches to 650 people, as they were in high demand in years past due to the cheap cost per person.

Meals are catered from local restaurants including Hickory Park, Fuzzy’s, Fazoli’s and HyVee, as well as burgers on Tuesday made by the agriculture and biosystems department.

Fleming and Sievers want to make sure students know it is a social event. They said grab some friends and have fun.

“We try to cater [the events] to what students want to see," said Fleming.

**Events happening over E-week.**

**Sunday:**
E-Lympics, State Gym, East Gym 1 - 3 p.m.
Teams or individuals will have a chance to compete at various athletic and non-athletic competitions with prizes being gift cards.

**Monday:**
Graduate Student Panel, Murson 2155 6 - 7:30 p.m.
Students can make connections with researchers at Iowa State and learn about what research is happening at the College of Engineering.

**Tuesday:**
VRAC Presentation, Howe Hall, Lee Liu Auditorium, 3 - 4 p.m.
A “4-D” simulation attendees will have the chance to experience what the Virtual Reality Applications Center is capable of.

**Wednesday:**
Game Watch, Jack Trice Stadium, Sukup End Zone, 7:30-10pm
Students will be able to watch the Iowa State vs. TCU basketball game in Sukup End Zone. There is also trivia and a nacho bar.

**Thursday:**
Grant Imahara Keynote Speech, Memorial Union, Great Hall 8 p.m.
Grant Imahara from Mythbusters and his new show “White Rabbit will be speaking at the Memorial Union about engineering entertainment.

**Friday:**
E-Banquet, Alumni Center
Invitation only, clubs had the chance to apply to be recognized for awards at this semi-formal banquet to recognize clubs, faculty, and department for the highest percent turnout.

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POLICE BLOTTER

2.14.18

An individual reported damage to a bulletin board at Friley Hall (reported at 4:10 a.m.).

Officers assisted another agency with a criminal investigation at Lincoln Way and Dotson Dr (reported at 4:59 a.m.).

Lindsey Kay Rock, age 36, of 316 11th St Unit 2 - Ames, IA, was arrested and charged with possession of a controlled substance at Armory Building (reported at 1:01 p.m.).

An individual reported the theft of a watch at Parks Library (reported at 3:03 p.m.).

Jacob Thomas Farraher, age 18, of 2136 Lincoln Way - Ames, IA, was arrested and charged with operating while intoxicated, possession of drug paraphernalia, and possession of a controlled substance at Lincoln Way and Grand Ave (reported at 10:57 p.m.).

The Iowa State Daily welcomes comments and suggestions or complaints about errors that warrant correction. To submit a correction, please contact our editor at 515-294-5688 or via email at editor@iowastatedaily.com.
COURTESY OF GETTY IMAGES

Columnist Eileen Tyrrell discusses what it is like to live with a severe food allergy. A symptoms of anaphylaxis is a sense of impending doom this increases fear in people with allergies.

BY EILEEN. TYRRELL
@iowastatedaily.com

I was sitting in a banquet hall in Chica- go late in July, enjoying traditional Indi- an food after attending a friend’s dance performance, when it happened.

I took a bite of what I thought was a plainly vegetable samosa and approximate- ly 15 seconds later my mouth flooded with a strange, itchy, horrifying taste. One I both dreaded and had almost forgotten. I got up and sprinted to the bathroom, making it just in time to vomit. I was having an allergic reaction.

I’m allergic to tree nuts, which includes all nuts except peanuts. I’ve been allergic since I was a kid, but that night in Chi- cago was the first time I had to go to the hospital for it. Unlike seasonal allergies, when I eat a nut, I have an anaphylactic reaction, which means my throat starts closing up. Most of the time, taking Benadryl is enough to stop the reaction. What I stupidly didn’t realize in July was my Benadryl was expired. So an hour later I was in the ER, getting antihistamines through an IV.

Needless to say, I was much more cautious about keeping my medicine up to date and watching what I ate after that incident. But that wasn’t enough to prevent another reaction just a week ago, when I got halfway through a (suppos- edly) nut free veggie burger before real- izing I was having a reaction. This time it wasn’t as extreme and no trip to the hospital was needed, but there’s some- thing acutely terrifying about realizing, even after taking so many precautions, accidents happen and I can experience a potentially fatal reaction any time.

What most people don’t know about allergies, and what I didn’t even realize until recently, is that a sense of impending doom is quite literally a symptom of anaphylaxis.

Even though I intellectually know in a few minutes I’ll be fine, the sensation of feeling my throat swell up and the taste that accompanies a reaction is one of the most terrifying feelings I know. The fear drastically outweighs the physical symptoms, to the extent that even a couple days later I felt as if I was having a reaction every time I took a bite of even the most benign foods.

The reason I’m writing all of this is to provide some sort of explanation for people who don’t have severe allergies so they can understand what it feels like when a single bite can kill you. I’ll be the first to admit a nut allergy makes for a good punchline, but the joke is not funny when it means people don’t take my allergy seriously.

Plenty of us work in food service jobs; plenty of people grumble and complain when they aren’t allowed to bring food into a public place because of allergies. Understanding the why is important, so accidents like what happened last week become less frequent, especially as severe food allergies have increased by almost 400 percent over the past few decades. Small sacrifices like not eating peanut butter around potentially allergic people, or even just being aware of the dangers, isn’t too much to ask.

And for those readers who do have severe food allergies, or parents of al-lergic kids, find the line between being cautious and living in fear. Anaphylaxis is terrifying, and I know how easy it can be to succumb to the fear and stop eating anything with even the most miniscule amount of risk. But allergen awareness is increasing everyday, and 99 percent of the time a food that’s supposed to be safe is safe.

Use your best judgement and don’t let it scare you when you have a reaction. Food is amazing. Don’t be afraid to enjoy it.

COLUMN

Life with a severe allergy

The Student Government voted to sup- port a $15 building fee increase in Au- gust to go toward the Memorial Union deferred maintenance — however, it’s now February and the Iowa Board of Regents haven’t proposed any action to establish this increase. On a broader scale, the Editorial Board believes the funding issues facing the MU is symp- tomatic of a larger problem — a lack of funding from the state.

Just this Tuesday, President Winter- steen emailed the Iowa State community about the challenges facing our university because of the inadequate support from the state. The lack of state funding has compounded over the years and is now visible around campus, including the MU.

The MU needs the updates and mainte- nance, badly. Some basic functionality in the building, like elevators, don’t al- ways work and are in need of repair. The space could also be renovated to better fit students’ needs. Prospective students and their families are first welcomed on campus in the MU and usually park in the adjacent garage. The MU benefits current students and faculty with places to eat, meeting and office space, entertainment and lectures, among other things. Community mem- bers and alumni use the space for varying events and educational opportunities. It is clear that our university would greatly benefit from an increase in funding.

However, the bill for maintenance should not be placed solely on the backs of students. Students have already voiced their opinions on a similar referendum last spring. Sixty-two percent of students voted against increasing the student building fees to $99.35 over the course of two years. It’s clear students don’t want to be on the hook for financing the maintenance of campus facilities. Nor should they be entirely. A variety of people use the MU and benefit from its space and services. The Lectures Program hosts a plethora of diverse, high-level lectures and presen- tations that are open to the community for free. This is because they are funded by the Committee on Lectures, funded in part by the Student Government and thus students. Further, the MU is also a place for meetings and events for various groups in our community.

We are not suggesting the Lectures Program start charging the public be- cause its service is irreplaceable. Rather, we are reminding the public they too benefit from the MU. Therefore, they should contact their state senator and representative and express their support for increased state funding for public universities. Addition- ally, funding opportunities in the city of Ames should be utilized because of the benefit a functioning MU plays in the community at large.

EDITORIAL

Funding is not solely on students

The Daily encourages discussion but does not guarantee its publication. We reserve the right to edit or reject any letter or online feedback.

Send your letters to letters@iowastatedaily.com. Letters must include the name(s), phone number(s), majors and/or community affiliation(s) and year in school of the author(s). Phone numbers and addresses will not be published.

Online feedback may be used if first name and last name, major and year in school are included in the post. Feedback posted online is eligible for print in the Iowa State Daily.

Opinions expressed in columns and letters are those of the author(s) and do not necessarily reflect the opinions of the Daily or organizations with which the author(s) are associated.
In 2016, Ohio State attempted to remove all signs of the letter “M” in regards to its biggest rival—the Michigan Wolverines.

Duke blue and Carolina blue appear similar, but you’d never see Mike Krzyzewski sporting the lighter shade of the color.

Meanwhile, the Cyclone wrestling coaching staff learned the ropes of collegiate wrestling from Iowa State’s biggest in-state rival—the Iowa Hawkeyes.

Without an MLB, NBA or NFL team in Iowa, a large portion of sports fans follow collegiate sports, making the Cy-Hawk rivalry special for the state of Iowa.

“I’ve always grown up going to the Iowa versus Iowa State dual and it’s awesome,” said freshman Ryan Leisure. “There’s so many fans there, so many people there to just watch wrestling. It brings everyone together.”

Kevin Dresser, Mike Zadick, Brent Metcalf and Derek St. John all spent time in an Iowa singlet, but the quartet tucked away their black and gold to wear cardinal and gold.

The Iowa State coaching staff will sit in the opposite corner against Iowa on Sunday, but the staff’s wrestling roots still lie in Iowa City.

“Well, anytime it’s Iowa [and] Iowa State I’m sure it’s going to be a little animated and a little more smoke and fire with it,” Dresser said.

Iowa State head coach Kevin Dresser, 55, kicked off his wrestling career at Iowa in 1983. The Humboldt, Iowa, native hit his groove in a Hawkeye singlet during the 1984-85 season. The 142-pounder collected All-American honors in the 1984-85 season while adding a Big Ten Championship.

Dresser’s success on the mat carried into his final season in the 1985-86 season. Dresser earned another All-American honor and another Big Ten Championship. Dresser capped off the 1985-86 season by winning an NCAA Championship.

The Hawkeyes won the NCAA Championship all five seasons Dresser spent on the Iowa roster.

After a long coaching period in Virginia with a pair of high schools and Virginia Tech, Dresser is back in his home state and eager to wrestle his alma mater.

“I tell our team all the time the biggest match of the year is always the next match,” Dresser said. “Obviously, the fact that it’s Iowa coming to Ames makes that very relevant, very true.”

Iowa State associate head coach Mike Zadick Dresser’s right hand man—Zadick—registered a successful career in black and gold as well.

From 2000 to 2002, Zadick rattled off three straight All-American honors. The 149-pounder snagged two Big Ten Wrestler of the Week awards and a Big Ten Championship in the 2001-02 season.

After Zadick exhausted his college eligibility, the Montana native remained in the Iowa wrestling room, assisting with coaching duties and training for the Olympics.


In his final two seasons with the Iowa coaching staff, Zadick adopted the interim assistant coach before leaving for Virginia Tech.

Iowa State volunteer assistant coach Brent Metcalf

Less than a decade removed from the Iowa wrestling team, Metcalf finds himself in Ames.

Before Metcalf’s arrival to Iowa State, the Davison, Michigan native piled up accolades as a Hawkeye.

In Metcalf’s three seasons at Iowa, the 149-pounder was an NCAA finalist each season (2008-10), while winning the NCAA Championship in 2008 and 2010.

Metcalf delivered the second-highest career winning percentage in Iowa history, posting a 108-17 record.

A chunk of Metcalf’s 108 wins came via pins. Metcalf added the fourth-most pins (20) in Iowa history during the 2008-09 season. At the conclusion of Metcalf’s career, the 149-pounder found himself at No. 7 for career pins in Iowa history (47).

Iowa State assistant coach Derek St. John

St. John is one of the more experienced Cyclones, but he hasn’t wrestled Iowa at home.

“I’m expecting a lot more people to come just because it’s Iowa and Iowa State, and I know Iowa they travel a lot as well,” Simmons said. “I’m expecting for there to be a lot of people there, a lot of Iowa fans, fight I guess. There always is a fight going on [with] Iowa State and Iowa in the building.”

Heavyweight

Another intriguing match in the Cy-Hawk dual lies in the heavyweight match.

Iowa State’s Marcus Harrington will match up with Iowa’s Sam Stoll. Harrington, a redshirt junior, is one of the more experienced Cyclones, but he hasn’t wrestled Iowa at home.

“Markus is a guy that’s got tons of potential,” Dresser said before the North Dakota State dual.

“He’s a big guy. He just likes to push and pull kind of,” Harrington said. “I’m expecting for there to be a lot of people there, a lot of Iowa fans fighting I guess. There always is a fight going on [with] Iowa State and Iowa in the building.”

“I tell our team all the time the biggest match of the year is always the next match,” Dresser said. “Obviously, the fact that it’s Iowa coming to Ames makes that very relevant, very true.”

Recently, Simmons has been a bright spot for the Cyclones, picking up a major decision and a pin in his last two matches.

“Markus is a guy that’s got tons of potential,” Dresser said before the North Dakota State dual.

“He assigned Simmons to [assistant coach] Derek St. John if Markus Simmons follows Derek St. John to 149 because he’s going to be a realer, really solid by the end of the year.”

Recently, Simmons has been a bright spot for the Cyclones, picking up a major decision and a pin in his last two matches.

Over half of Iowa’s weights are ranked according to Iowa State.

“If Iowa State wants to make some noise on Sunday, the Cyclones need results from Simmons. He will compete in his first home Cy-Hawk dual, and the 133-pounder is expecting a different atmosphere in Hilton Coliseum.

“I’m expecting a lot more people to come just because it’s Iowa and Iowa State, and I know Iowa they travel a lot as well,” Simmons said. “I’m expecting for there to be a lot of people there, a lot of Iowa fans fighting I guess. There always is a fight going on [with] Iowa State and Iowa in the building.”

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“He’s a big guy. He just likes to push and pull kind of,” Harrington said.

On paper, the Hawkeyes outmatch the Cyclones, but Dresser and his staff plan to use this as a measuring tool for a young Iowa State team.

“There’s some match ups there that will be great measuring sticks for us,” Dresser said. “I think we’re progressing at 133, it’s a great measuring stick for him. I think at 141, Ian Parker’s proved that he can move up and compete with the very best... 184, 197, heavyweight I think are great measuring sticks.”
Black hair has recently become a prominent topic of discussion in popular media. The rebirth of the natural hair movement called for black women to embrace their unprocessed locks. The natural hair movement inspired black women to stop conforming, and to embrace the versatility of having kinkier coils. Most importantly, the movement started to prioritize the importance of healthy hair above all else. This commitment to health helped sparked the popularity of protective styling. Protective styling is a form of styling intended to protect hair from outside elements, such as weather. Protective styling is also used as a way to give the hair a break.

The misunderstanding of black hair amongst the public, professionals and manufacturers has led to a lot of bad practices. For example, the overuse of heat or relaxers used for chemically straightening would damage the hair. Styles that required a lot of manipulation could snap hair strands, and even the way hair was being washed could be harmful. It was soon understood that kinkier hair is more fragile.

Protective styling is a way to halt overstyling of the hair, and protective styling can be incorporated regardless of a person's hair texture. Check out these forms of protective styling here:

**Braids**

Braids allow access to the scalp without the need to manipulate the individual strands everyday; with braids, cleaning and moisturization is still possible, but the hair itself is wrapped and protected.

**Wigs**

The hair is braided into comfortable cornrows underneath, and a wig is placed on top. Depending on the quality of the wig this method can last months, while washing the hair regularly in between. Wigs allow access to the hair as they are easy to remove, and often only attached via glue or small combs.

**Sew-in**

Sew-ins can either be full or partial. A full sew-in is when no real hair is left unbraid, and partial is when some real hair is kept out to blend with the extensions. Sew-ins typically last longer than wigs, and allow for more security for the wearer as they are sewed down onto the head. They protect by allowing the hair to grow freely without manipulation.

**Crochet**

Similar to most protective styles, crochet braids use a plaited base and hair is added on top. These are quick, secure and protective. The fake hair is attached to the cornrows with a crochet hook and closed off with a loose tie. Crochets allow access to the scalp, and are extremely customizable.

**Low-manipulation styles**

Any style with the wearer's own hair that protects their ends, locks in moisture, and helps cut down on the use of styling tools. Protective styling is also a means of expression. Instead of dying or cutting the real hair to get a certain look, you're able to experiment. Want a purple bob Monday and waist length hair Tuesday? It's safe and possible with protective styling.
State in the amount of $305 on Sept. 18 pertaining to "Title IX Litigation Advising" rendered on Aug. 29 that was billed separately from an invoice sent on the same date for $244 in the Niesen v. ISU case. Asked if advice and consultation on a legal matter is believed to require approval from the executive council, Jeffrey Thompson, Iowa solicitor general, said he believes they do, as the law states compensation shall not be allowed to any person for services as an attorney or counselor. "I think advice yeah, because sometimes we don't have the expertise in our office on certain matters but this [Sept. 11 agreement] is... both, including advice and representation," LoMonte said. "This is a Title IX matter that we requested a special counsel because we needed a little more expertise than our office had in its advice and representation."

Tabor declined to comment on whether Iowa State had violated the law by obtaining advice on litigation matters beginning in June 2017 and predating the Sept. 11 agreement. Frank LoMonte, director of the Brechner Center for Freedom of Information and former executive director of the Student Press Law Center, said the law indicates Iowa State may have made a misstep in obtaining specific services from Husch Blackwell before the Sept. 11 agreement from the executive council. "Normally, if you're just hiring somebody to put on a training, or workshop, or teach a course, none of those things is the provision of legal services and you can freely do that," LoMonte said. "But under Iowa law, it certainly looks like once you are consulting that attorney for help on a specific matter, you are now receiving legal services, and at the point that you're receiving legal services, then you need sign-off from the state before you can begin that engagement and start paying the lawyer.

LoMonte said that many states have laws dictating when a governmental body is required to receive approval for legal assistance from a private law firm. LoMonte said he has a hard time seeing the attorney general defining the law differently, referring to the definition of legal assistance as including consultation as "the most common sense" way to define it. Steve Rencius, communications manager at Husch Blackwell would not comment on their billing practices, saying they had not been directed to speak on the matter and referred the Daily back to their client, the general counsel office at Iowa State. Norton was asked if Husch Blackwell was advising specifically on Maher v. ISU and Niesen v. ISU, as invoices indicate. "Yes and no. I mean it was broad advice about Title IX issues, research about Title IX issues and how we might approach responding in litigation... to those cases and other complaints or cases that we had," Norton said. Norton clarified that "other cases or complaints" were a reference to policy considerations. "In light of the complaints that were being made, and other issues around campus and Title IX issues, we asked for general advice about Title IX, Title IX compliance and Title IX issues," Norton said. "The issues that they were consulting with us at, certainly were present in Niesen and Maher, absolutely, but it wasn't directed at specifically representation of the university in those cases. The issues were presented — some of the issues were presented by those cases."

After Norton was interviewed by the Iowa State Daily, he sent a statement about Iowa Code Section 13.7: "Iowa Code Section 13.7 ("Special Counsel") is limited in its application to the hiring of outside counsel to "represent the Board or institutions in pending actions or proceedings." Section 13.7 does not apply to attorney or counselor services that do not involve representing the Board or institutions in a pending action or proceeding. "The services of Husch Blackwell are consistent within these provisions. Husch Blackwell was first hired through Office of University Counsel and general university procurement policies to provide legal consulting services on a variety of issues including some employee benefit issues and training, policy development, and general Title IX legal advice. The Title IX consulting was related to, but broader than, the issues raised in both the Maher lawsuit and the Niesen lawsuits. At that time Husch Blackwell was not representing the university in either of those cases and was not representing the university in any pending action or proceeding.

In June 2017, after discussions with the Attorney General's office and Interim President (Ben) Allen, it was determined that outside counsel would be hired to represent the university, along with the Attorney General's office, in Title IX litigation. Pursuant to university procurement policy a request for proposal was issued outlining the university's need and the selection criteria for selecting counsel. Four firms included a representative from the Attorney General's office. Two firms were brought to campus for interviews and Husch Blackwell was ultimately selected by the panel to work in the Office of University Counsel to represent the university in Title IX litigation, including the Niesen and Maher Matters. At that time, the executive counsel approval was point, executive council approval was not required as the advantage to the university in either of those cases. Husch Blackwell was not representing the university in either of those cases and was not representing the university in any pending action or proceeding.

The starting point for attorney-client privilege is that the privilege applies only when you're contacting an attorney to receive legal advice in connection with an ongoing or anticipated legal matter," LoMonte said. "So there has to be a specific legal matter like a lawsuit that you're either in the midst of or you're anticipating and preparing for. At that point, that's where the privilege attaches to your communications."

Jeffrey Thompson, Iowa solicitor general, who submitted the request for special counsel to the executive council, could not be reached for comment. The Iowa State Daily paid $30 to obtain the records related in Husch Blackwell for this story.