



Melody Tankersley

Interim Senior Vice President and Provost

Date: October 7, 2019

To: Todd Kamenash
Assistant Dean of Student and
Director of Student Conduct

From: Melody Tankersley 
Interim Senior Vice President for Academic Affairs and Provost

RE: Persona Non Grata Status (Professor Jesse Leyva)

On October 4, 2019, I, Melody Tankersley, in my capacity as Interim Senior Vice President for Academic Affairs and Provost learned that Jesse Leyva, Associate Professor in the School of Music, contacted one of Kent State University's students during the recent Labor Day weekend through Instagram and Snapchat. I learned about this incident from Kent McWilliams, Director of the School of Music. Because this conduct is a violation of a previous order by a university official and, therefore, deemed by University Policy to be detrimental to the university community, I am writing to request a hearing as soon as possible on persona non grata status for Professor Leyva. The basis for this request is included below.

Previously on August 8, 2019, pursuant to the *faculty Collective Bargaining Agreement*, I immediately suspended Professor Leyva from his faculty duties and responsibilities because the University's Office of Compliance, Equal Opportunity and Affirmative Action had issued several findings against Professor Leyva for retaliation against several Kent State University' students through the use of social media. My letter of suspension to Professor Leyva included the following:

During this suspension you are not expected to be on any of Kent State's Campuses and you will not be assigned teaching responsibilities. Because of the circumstances leading to this suspension, you should have no interactions with students in person, by email or through social media during this time. You are also not expected to attend School, College and University events at which students are present. Lastly, I must remind you that retaliation against any person(s) who files a complaint pursuant to applicable University Policy is in violation of policy as well as the law and is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty or intimidation against any person who exercises his/her rights under University Policy and/or participates in the investigation of a complaint will be subject to appropriate and prompt disciplinary action. (emphasis added)

Interim Senior Vice President and Provost

The contractually mandated disciplinary process has been initiated; however, because of Dr. Leyva's recent social media conduct with a Kent State University student, I believe the additional interim step of persona non grata status for Professor Leyva needs to be put in place pending the outcome of the faculty disciplinary process. To be clear, I am still considering disciplinary action up to and including termination of Dr. Leyva's employment with Kent State University; however, it is now apparent that he continues to communicate with Kent State University students in contravention of my direct order of August 8, 2019. This conduct is detrimental to the university community and will not be tolerated.

The University's *Administrative Policy Regarding Persona Non Grata Status for Nonstudent Visitors* (University Policy Register 5-12.7) can be imposed when "*a nonstudent has exhibited behavior which has been deemed detrimental to the university community and thus is no longer permitted to frequent or be present in any or specified university locations.*" This policy further states that "*behavior detrimental to the university includes but is not limited to actions by an individual which result in offenses against persons or property, disruption of university processes or programs, violation of a previous order given by a university official, a continuing pattern of violation of university rules and regulations after actual notice of the rules or falsification or misrepresentation of self or other information to a university office or official.*" The standard required for placing an individual on persona non grata status requires a finding by the hearing officer based on a preponderance of the evidence the (i) the alleged behavior occurred; and, (ii) that such behavior is detrimental to the university community.

Professor Leyva's conduct with a current Kent State University student during Labor Day weekend is a violation of a previous order given by a university official and thus meets the definition of behavior detrimental to the university as included in University Policy 5-12.7. As a result, I am requesting that you in your capacity as Director of Student Conduct initiate the process for a persona non grata hearing on this matter. At the hearing, I will request that Professor Jesse Leyva be deemed persona non grata status pending the outcome of the faculty disciplinary proceedings against him. At the conclusion of those procedures, I will approach your office again concerning the appropriateness of any further action needed in this matter.

Attachments:

1. Letter from Interim Provost Melody Tankersley to Professor Jesse Leyva, August 8, 2019
2. Administrative Policy Regarding Persona Non Grata Status for Nonstudent Visitors (University Policy Register 5-12.7)