

INFORMAL - Pre-complaint counseling/guidance/informal resolution with Department

LEVEL ONE - Formal EOAA Investigation

LEVEL TWO - Appeal to Level 1 Investigation

KENT STATE UNIVERSITY
EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION
COMPLAINT FORM

Please print legibly

COMPLAINANT'S NAME: _____
(Last Name) (First Name) (M.I.)

TITLE: Student BANNER ID: _____

DEPARTMENT: School of Music

CAMPUS LOCATION: Center for Performing Arts

HOME ADDRESS, CITY, STATE & ZIP: _____

OFFICE PHONE NUMBER: _____ HOME PHONE NUMBER: () - _____

EMAIL: _____ CELL PHONE NUMBER _____

COMPLAINANT'S STATUS AT THE UNIVERSITY (Place an "✓" in the appropriate box.)

Student Classified Unclassified Faculty Current Employee Terminated Employee Applicant for Employment

PROTECTED CLASS (Place an "✓" in the appropriate box(es) which indicates the basis of your alleged discrimination)

Age (40 yrs. old or older) Race Disabled Veteran Military Status
 National Origin Religion Disability
 Vietnam Era Veteran Gender Color
 Sexual Orientation Sexual Harassment Genetic Information (GINA)

ALLEGED DISCRIMINATORY ACTION AREA (Place an "✓" in the appropriate box(es) which best identify the area(s) which you perceive are applicable to your complaint.)

Recruitment Retaliation Hostile Environment Disciplinary Action
 Termination Training Terms & Conditions Harassment
 Pay Personnel Evaluation Promotion/Demotion Failure to Accommodate
 Other (Please describe in the space provided below)

DESCRIPTION OF THE ALLEGED DISCRIMINATORY ACTION(S): Please use the following space to describe the discriminatory action which occurred. Be as precise as possible with regard to the names and titles/positions of the involved participants, names of witnesses, locations, times, and dates. Use an additional sheet of paper if necessary.

Who was involved (name & title/Offensive or discriminatory act that occurred)?(Use additional plain paper if necessary) _____
On the morning of March 13, 2019, I was on Instagram and noticed a post by Director of Bands, Dr. Jesse Leyva, at 1:07 A.M. The post went up at around midnight and read "The worst kind of hurt is betrayal, because it means someone was willing to hurt you just to make themselves feel better" with the description "[redacted] which I feel meant" [redacted]. I then noticed a second post, posted at 12:46 A.M., that read "When poisonous people come disguised as friends and family" with a picture of a figure holding a knife over another. The description read "[redacted] which stood for" [redacted], John. John was referencing Director of Athletic Bands, Dr. John Franklin. I feel that these posts were in retaliation to an investigation we are witnesses for.

On the afternoon of March 13, 2019, I was shown a screenshot from an Instagram post made by [redacted] (student) at roughly 10:00 PM on March 12. The post stated "the Kent State School of Music has some CRACKED people in it. our shitty director is about to be fired and the only 5 people who like him (who are so far up his ass they forgot what the sun looked like) decided to file sexual assault claims on the other director, because that just magically might save him, even though I know for a fact the shitty director has done worse!! I will tag these 5 bitches don't test me."

When did it happen (date, one-time occurrence or recurring)? Dr. Jesse Leyva - March 13, 2019 around midnight and at 12:46 am. [redacted] - March 12, 2019 around 10:00 PM

Where did it happen (location, bldg., room #)? Instagram

How did you react/respond? I gave no reaction of response. I notified [redacted] and [redacted] of the post.

Were there any witnesses? Yes _____ No
If you answered "Yes", please indicate the name(s) of the witness(es): All students and friends on both individuals social media accounts.

Did you tell anyone about this? (Supervisor, Dean, Instructor, Student Ombuds or Department Chair) Yes _____ No
If you answered "Yes", please indicate the name(s) of those you told: [redacted] and [redacted] notified the Department Chair, Dr. Jane Dressler.

Do you have any physical evidence (i.e. emails, photos, letters, documents, text messages, Facebook/Twitter posts, etc.) of this claim? Yes _____ No
If so, please provide any copies to the Office Equal Opportunity Affirmative Action (EOAA) 635 Loop Rd., Heer Hall, Kent OH 44242-0001.

Has your job or student status been affected in any way as a result of this alleged incident and if so, please describe the affect below. Yes No

I feel that my interactions with my peers and my reputation has been damaged through the past made by [REDACTED] I am currently worried about what Jesse Leyva will do next regarding this situation.

What proposed resolution and/or remedial action are you seeking: Dr. Jesse Leyva should no longer be teaching at Kent State due to this behavior towards students. [REDACTED] needs to be made aware of her actions and held accountable through student conduct.

Note:

While the Equal Opportunity and Affirmative Action Office uses its best efforts to protect information you provide from disclosure, such information is subject to release under the following circumstances: request for public records, in response to charges filed with the Equal Employment Opportunity Commission (EEOC), the Ohio Civil Rights Commission (OCRC), Department of Education (DOE), Civil Rights section and other administrative agencies or complaints filed in state or federal court, whether filed by you or others.

I have read and understand the contents of this document. All statements and responses are accurate to the best of my knowledge and I declare that this complaint has been made in good faith.

[REDACTED SIGNATURE]
COMPLAINANT SIGNATURE

DATE 03-20-2019

Chelise H. Winters
ACKNOWLEDGED BY COMPLIANCE
DIRECTOR/EOAA COORDINATOR

DATE 3-21-19

(Authorized signature required for processing by Office of EOAA)

INFORMAL - Pre-complaint counseling/guidance/informal resolution with Department

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KENT STATE UNIVERSITY
EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION
COMPLAINT FORM

Please print legibly

COMPLAINANT'S NAME:

[REDACTED]

(Last Name)

(First Name)

(M.I.)

TITLE:

BANNER ID:

DEPARTMENT: School of Music

CAMPUS LOCATION:

HOME ADDRESS,
CITY, STATE & ZIP:

OFFICE PHONE NUMBER:

HOME PHONE NUMBER:

EMAIL:

CELL PHONE NUMBER:

COMPLAINANT'S STATUS AT THE UNIVERSITY (Place an "✓" in the appropriate box.)

Student Classified Unclassified Faculty Current Employee Terminated Employee Applicant for Employment

PROTECTED CLASS (Place an "✓" in the appropriate box(es) which indicates the basis of your alleged discrimination)

Age (40 yrs. old or older) Race Disabled Veteran Military Status
 National Origin Religion Disability
 Vietnam Era Veteran Gender Color
 Sexual Orientation Sexual Harassment Genetic Information (GINA)

ALLEGED DISCRIMINATORY ACTION AREA (Place an "✓" in the appropriate box(es) which best identify the area(s) which you perceive are applicable to your complaint.)

Recruitment Retaliation Hostile Environment Disciplinary Action
 Termination Training Terms & Conditions Harassment
 Pay Personnel Evaluation Promotion/Demotion Failure to Accommodate
 Other (Please describe in the space provided below)

DESCRIPTION OF THE ALLEGED DISCRIMINATORY ACTION(S): Please use the following space to describe the discriminatory action which occurred. Be as precise as possible with regard to the names and titles/positions of the involved participants, names of witnesses, locations, times, and dates. Use an additional sheet of paper if necessary.

Who was involved (name & title/Offensive or discriminatory act that occurred)? (Use additional plain paper if necessary) _____
Dr. Jesse Leyva is the Kent State Director of Bands in the School of Music.

Around midnight on Tuesday, March 12, Dr. Leyva made two posts on Instagram. One had the caption "I see you, [redacted]" and the other said "[redacted]" "stands for [redacted] and John [redacted] stands for [redacted]". Then, on Thursday, March 14 around 7pm, he ~~posted~~ made a post on his story saying "When you get angry, take a breath and count to ten. Throw a punch when you get to eight. Nobody expects that."

[redacted] is a Kent State student and a peer of mine.

I received a text on Wednesday, March 13 that had a screenshot of a post that [redacted] made on Instagram (her "insta" or fake Instagram) around 10pm on Tuesday, March 12. The post said, "the Kent State School of Music has some CRACKED people in it. Our shitty director is about to be fired, and the only 5 people who like him (who are so far up his ass they forget what the sun looks like) decided to file sexual assault ~~on~~ claims on the other director, because

When did it happen (date, one-time occurrence or recurring)? March 12, 13, & 14

Where did it happen (location, bldg., room #)? Instagram (@jesseleyva) and (@ [redacted])

How did you react/respond? I took screenshots to save them pictures in my phone, talked to [redacted] and [redacted], then went to report the posts that Dr. Leyva made to Dr. Dressler.

Were there any witnesses? Yes No

If you answered "Yes", please indicate the name(s) of the witness(es): Any Instagram followers of Dr. Jesse Leyva as well as [redacted]

Did you tell anyone about this? (Supervisor, Dean, Instructor, Student Ombuds or Department Chair) Yes No

If you answered "Yes", please indicate the name(s) of those you told: Department Chair Dr. Dressler (about Dr. Leyva's posts)

Do you have any physical evidence (i.e. emails, photos, letters, documents, text messages, Facebook/Twitter posts, etc.) of this claim? Yes No

If so, please provide any copies to the **Office Equal Opportunity Affirmative Action (EOAA) 635 Loop Rd., Heer Hall, Kent OH 44242-0001.**

Description of Alleged Discriminatory Actions Continued:

that just magically might save him, even though I know
for a fact the shitty director has done worse!! I will
tag these 5 bitches don't test me"

Has your job or student status been affected in any way as a result of this alleged incident and if so, please describe the affect below. Yes No

I am afraid for my own safety in the band office as well as concerned for the safety of other students. I have also been shunned from my clarinet studio due to the untrue rumors that [REDACTED] has told them.

What proposed resolution and/or remedial action are you seeking: I would like for [REDACTED] to have a full understanding of how her words and actions have hurt me personally as well as [REDACTED] and [REDACTED]. I believe that Student conduct should be involved.

I would like for Dr. Jesse Leyva to be terminated from his position for the overall safety and peace of mind for the Kent State School of Music.

Note:

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I have read and understand the contents of this document. All statements and responses are accurate to the best of my knowledge and I declare that this complaint has been made in good faith.

[REDACTED]

COMPLAINANT SIGNATURE

DATE March 19, 2019

ACKNOWLEDGED BY COMPLIANCE
DIRECTOR/EOAA COORDINATOR

DATE _____

(Authorized signature required for processing by Office of EOAA)

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EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION
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COMPLAINANT'S NAME: _____
(Last Name) (First Name) (M.I.)

TITLE: _____ BANNER ID: _____

DEPARTMENT: _____

CAMPUS LOCATION: _____

HOME ADDRESS, CITY, STATE & ZIP: _____

OFFICE PHONE NUMBER: _____ HOME PHONE NUMBER: () - _____

EMAIL: _____ CELL PHONE NUMBER _____

COMPLAINANT'S STATUS AT THE UNIVERSITY (Place an "✓" in the appropriate box.)

- Student
- Classified
- Unclassified
- Faculty
- Current Employee
- Terminated Employee
- Applicant for Employment

PROTECTED CLASS (Place an "✓" in the appropriate box(es) which indicates the basis of your alleged discrimination)

- Age (40 yrs. old or older)
- National Origin
- Vietnam Era Veteran
- Sexual Orientation
- Race
- Religion
- Gender
- Sexual Harassment
- Disabled Veteran
- Disability
- Color
- Genetic Information (GINA)
- Military Status

ALLEGED DISCRIMINATORY ACTION AREA (Place an "✓" in the appropriate box(es) which best identify the area(s) which you perceive are applicable to your complaint.)

- Recruitment
- Termination
- Pay
- Other (Please describe in the space provided below)
- Retaliation
- Training
- Personnel Evaluation
- Hostile Environment
- Terms & Conditions
- Promotion/Demotion
- Disciplinary Action
- Harassment
- Failure to Accommodate

DESCRIPTION OF THE ALLEGED DISCRIMINATORY ACTION(S): Please use the following space to describe the discriminatory action which occurred. Be as precise as possible with regard to the names and titles/positions of the involved participants, names of witnesses, locations, times, and dates. Use an additional sheet of paper if necessary.

Who was involved (name & title/Offensive or discriminatory act that occurred?)(Use additional plain paper if necessary) _____

Dr Jesse Leyva Director of Bands, made 2. instagram posts one was a photo of the quote "When poisonous people come disguised as friends & family." with the caption "I see you [redacted] J". This was posted on Wednesday March 13th at approximately 1:00 am. He also posted a photo with the quote "The worst kind of Hurt is Betrayal, because it means someone was willing to hurt you just to make themselves feel better" with the caption "[redacted]" this was also Wednesday March 13th at approximately 1:00 am. [redacted] I believe stands for [redacted] John. All of whom are involved in my case against Dr. Leyva regarding sexual harassment. [redacted] I believe stand for [redacted] & [redacted], all of whom are involved in my case.

[redacted], Kent State University Student. Made 1 Instagram post. The caption said "the Kent state school of music has some cracked people in it. our shitty director is about to be fired, & the only 5 people who like him (who are so far up his ass they forgot what the sun looks like) (cont'd)"

When did it happen (date, one-time occurrence or recurring)?
Dr. Leyva's posts - Wednesday March 13th, at about 1 am
[redacted] Tuesday March 12th, at about 10:30 pm.

Where did it happen (location, bldg., room #)? On Instagram

How did you react/respond? I have not engaged with Dr. Leyva outside of a professional manner and have limited my contact to only what is necessary.

Were there any witnesses? Yes _____ No
If you answered "Yes", please indicate the name(s) of the witness(es): his Instagram followers.

Her Instagram followers

Did you tell anyone about this? (Supervisor, Dean, Instructor, Student Ombuds or Department Chair) Yes _____ No
If you answered "Yes", please indicate the name(s) of those you told:
Dr. Jane Dressler, Interim Director & Professor of the School of Music, in reference to Dr. Leyva's posts.

Do you have any physical evidence (i.e. email s,photos, letters, documents, text messages, Facebook/Twitter posts, etc.) of this claim? Yes _____ No
If so, please provide any copies to the Office Equal Opportunity Affirmative Action (EOAA) 635 Loop Rd., Heer Hall, Kent OH 44242-0001.

Has your job or student status been affected in any way as a result of this alleged incident and if so, please describe the affect below. X Yes _____ No

It makes me worried to be in Dr. Leyva's ensemble and to be around him without other people there.

What proposed resolution and/or remedial action are you seeking: I do not want Dr. Leyva to teach at Kent State University.

I want [redacted] to go to student conduct.

Note:

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I have read and understand the contents of this document. All statements and responses are accurate to the best of my knowledge and I declare that this complaint has been made in good faith.

[Redacted Signature]

COMPLAINANT SIGNATURE

DATE 3/19/19

[Handwritten Signature]

ACKNOWLEDGED BY COMPLIANCE
DIRECTOR/EOAA COORDINATOR

DATE 3-21-19

(Authorized signature required for processing by Office of EOAA)

DESCRIPTION OF THE ALLEGED DISCRIMINATORY ACTION(S): Please use the following space to describe the discriminatory action which occurred. Be as precise as possible with regard to the names and titles/positions of the involved participants, names of witnesses, locations, times, and dates. Use an additional sheet of paper if necessary.

Who was involved (name & title/Offensive or discriminatory act that occurred?(Use additional plain paper if necessary) _____

decided to file sexual assault claims on the other director, because that just magically might save him, even though i know for a fact the shitty director has done worse!! i will tag these 5 bitches dont text me.

When did it happen (date, one-time occurrence or recurring)? _____

Where did it happen (location, bldg., room #)? _____

How did you react/respond? _____

Were there any witnesses? Yes No
If you answered "Yes", please indicate the name(s) of the witness(es): _____

Did you tell anyone about this? (Supervisor, Dean, Instructor, Student Ombuds or Department Chair) Yes No
If you answered "Yes", please indicate the name(s) of those you told: _____

Do you have any physical evidence (i.e. emails, photos, letters, documents, text messages, Facebook/Twitter posts, etc.) of this claim? Yes No
If so, please provide any copies to the Office Equal Opportunity Affirmative Action (EOAA) 635 Loop Rd., Heer Hall, Kent OH 44242-0001.

Has your job or employment been affected in any way by the information provided in this document?
bch: _____ Yes _____ No _____

When _____

Note: This document is prepared in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552) to protect information requested in public records, in response to charges filed with the Equal Employment Opportunity Commission (EEOC), the Ohio Civil Rights Commission (OCRC), Department of Education (DOE), Civil Rights section and other administrative agencies or complaints filed in state or federal court, whether filed by you or others.

I have read and understand the contents of this document. All statements and responses are accurate to the best of my knowledge and I declare that this complaint has been made in good faith.

COMPLAINANT SIGNATURE

ACKNOWLEDGED BY COMPLIANCE DIRECTOR/EOAA COORDINATOR

DATE _____

DATE _____

(Authorized signature required for processing by Office of EOAA)