

Memorandum

Attorney-Client Privilege

Attorney Work Product

To: Wayne State University, Office of the General Counsel

From: Tara E. Mahoney

Re: Jack Lessenberry Investigation

Date: July 17, 2018

I. Introduction

On May 18, 2018, Wayne State University (“WSU”) retained me to conduct an investigation into allegations made about Jack Lessenberry that originated in an article published by Deadline Detroit. After the article was published and WSU stated it would be conducting an investigation, several people reached out directly to WSU and asked to be included as part of the investigation.

To date, I have conducted 20 interviews which consisted primarily of faculty members and former WSU students who had Mr. Lessenberry as a professor and/or internship coordinator.¹ I identified certain individuals to interview based on the Deadline Detroit story while others asked to be interviewed in response to communication they received from WSU. Both WSU and I communicated with Mr. Lessenberry’s attorney about my interviewing him as part of the investigation. Mr. Lessenberry declined the invitation to participate in an interview.

This memo highlights the themes I discovered through the investigatory process. I have not attempted to include every allegation against Mr. Lessenberry, but I have attempted to provide WSU an overview of the very troubling conduct that was disclosed.

II. Factual Findings

During the student interviews, I heard consistent stories which shed light on Mr. Lessenberry’s conduct.² The students described Mr. Lessenberry as having “pet” or “favorite”

¹ I also met with one woman who was a high school student of Mr. Lessenberry’s wife in the early 2000s. Although this woman did not have issues with Mr. Lessenberry in his capacity as a WSU professor, her story was, in many ways, consistent with the stories I heard from current and former students (as discussed herein). Mr. Lessenberry was in his mid-50s and the woman was 16 when their relationship began. It was primarily an email relationship (they exchanged hundreds of emails over a two-year period, many of which I reviewed). The emails included Mr. Lessenberry being overly complimentary of the student, praising her “intellectual sophistication,” telling her that she was “very bright” and “pretty special,” calling her his “little flower” and asking if she would “be my muse.”

² I have focused this report on the sexually inappropriate conduct that was discovered. Most of the interviewees also had witnessed Mr. Lessenberry act in a rude, arrogant and/or disrespectful manner toward students.

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students (always female) with whom he seemed close and to whom he paid extra attention. Sometimes these students were admittedly vulnerable due to personal situations, and they believe Mr. Lessenberry preyed on this vulnerability.

Mr. Lessenberry's attention manifested itself in numerous ways. For instance, he was prone to provide frequent compliments to these female students. Eight of the female students I interviewed shared experiences where Mr. Lessenberry made comments such as "you're so pretty," "you're beautiful," "you'd be perfect on camera," etc. Moreover, Mr. Lessenberry would comment on female students' hair, makeup and clothes calling specific attention to new styles or when a female student was dressed nicely. In one instance, Mr. Lessenberry told a student that "if it wasn't illegal, I'd tell you that you look cute without your glasses." Students also reported Mr. Lessenberry asking if a female student had a "fancy date" when she was dressed up more than normal and making multiple comments about a student's change in hair style and how "beautiful" it was. Mr. Lessenberry also had physical contact with at least five students ranging from putting his hand on a student's shoulder to hugging students to engaging in a passionate relationship (as described in more detail below). These students explained that this behavior and extra attention made them uncomfortable. Some of the students stopped wearing nice clothes to Mr. Lessenberry's classes and another stopped wearing certain makeup. Others developed strategies to avoid physical contact by refusing to be alone with Mr. Lessenberry and/or holding books in front of their bodies to avoid an attempted hug. One student explained that she had to "throw on her thickest skin and try to get through it."

Mr. Lessenberry also had a pattern of repeatedly inviting his "pet" or "favorite" students to his office telling the student they needed to discuss her grade or internship. Often these discussions would not have anything to do with class or work and instead focused on the female student's physical attributes. Mr. Lessenberry also made it a habit to ask these female students to close his office door. Many of these students stopped attending Mr. Lessenberry's office hours because they felt uncomfortable being alone with him. Mr. Lessenberry also offered assistance to many of these female students while reminding them of how powerful he is in the industry.

In at least two instances, Mr. Lessenberry also wrote notes on the female students' homework papers that were inappropriate. On one he wrote "cute" (the homework assignment was a report on a serious book). On another he wrote "I wish I could love you."

Many of the "pet" and "favorite" students described that once they rebuffed Mr. Lessenberry's advances or otherwise offended him, not only did his favoritism stop but he retaliated against them for their alleged transgressions. Students reported retaliation such as (1) students receiving lower grades; (2) Mr. Lessenberry reaching out to professionals in the journalism community to speak poorly of the student; and (3) Mr. Lessenberry criticizing the student to faculty members. In at least three instances, students who previously had received

For instance, many commented on Mr. Lessenberry losing his temper if a student was late to class and even locking the door so late students could not enter the room. Another student shared a story where on the first day of class Mr. Lessenberry threatened to cut a student's head off and throw it in the trash can. These types of issues, however, were not my focal point.

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significant praise and attention and good grades in Mr. Lessenberry's classes are aware of Mr. Lessenberry claiming they were "difficult" or unworthy of a job with prospective employers.

Below are examples of some of the most egregious conduct I discovered during the investigation. It should be noted that, other than Student A, none of the students I spoke with had reported Mr. Lessenberry's conduct to current WSU officials or faculty. It is unclear what may have been reported to Ben Burns (who passed away in 2012), the former director of the WSU journalism program, in the 2005 time frame. Some students stated that they discussed some of Mr. Lessenberry's behavior with Mr. Burns, including Mr. Lessenberry's teaching style, his compliments to them, and then his subsequent retaliation against them. Student A shared her experiences with a journalism faculty member in December 2017. That faculty member encouraged Student A to come forward and report Mr. Lessenberry's conduct. The faculty member did not, however, report the conduct herself.

Student A

- Student A is a recent student, in her early 20s, who graduated in 2017. All reported conduct is in the 2015-2017 time frame when Mr. Lessenberry was the student's professor and/or internship coordinator.
- Mr. Lessenberry included the following comment on the student's reading test, "I wish I could love you" (see attachment).
- Mr. Lessenberry sent the student the following emails (see attachment):
 - "Some day I shall kiss you; the jail time will be worth it."
 - "You know you mesmerize me, and I could get lost in you."
 - "I want to talk to you about everything under the sun, and smell your hair besides."
 - "I won't scare you on the phone, [name]."
 - "If a man really loves someone, making them happy is far more satisfying to him than pleasing himself. You can forget much else I've taught you but don't forget that" [sent in conjunction with offering to get the student a different job].
 - "He mused that she was indeed Beautiful, and sexy in an entirely unintentional way, and yet her mind and drive were more alluring still. Fascinating."
 - "Glamorous as this is --- I think the woman I see in class every week is pretty darn alluring."

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- “your writing is indeed superior – I’m not flattering you at all! ... and I hope you aren’t offended I allowed myself to notice the rest. If it hadn’t been for your writing, believe it or not, I wouldn’t have.”
- Mr. Lessenberry invited the student to dinner repeatedly, and she continually said no but eventually felt she had to say yes because she feared consequences if she said no. Once at the dinner, Mr. Lessenberry kept inching closer to her in the booth and put his hand on her thigh. The student said that she was very uncomfortable and left the dinner as quickly as she could.
- Mr. Lessenberry sent the student approximately 12 personal cards and gifts (including gift cards and a calendar) to her home address (which he required students to include on their papers).
- Mr. Lessenberry continually commented on the student’s appearance including her makeup and clothes.
- Mr. Lessenberry required the student to close his office door during meetings. On one occasion he asked the student to come to his office to talk about her internship. The discussion was centered instead on the student’s appearance, and when she got up to leave, Mr. Lessenberry stood and walked with her to the door. He then outstretched his arm to keep the door closed and attempted to kiss the student on the lips. She turned her head so the kiss landed at the corner of her lip/side of her cheek. The student was shocked and uncomfortable. She became flustered and said this isn’t right and was able to exit the office.
- The student explained that after she rebuffed Mr. Lessenberry’s advances and otherwise paid him less attention, he began to retaliate against her. For instance, although telling faculty in the Spring of 2017 that she was a brilliant student and had done exceptionally well on the midterm, by the Fall of 2017 he told the faculty the student was undeserving of a scholarship (one he had helped her obtain) and suggested it not be provided to her.

Student B

- Student B is a recent student, in her early 20s, who graduated in 2015. All reported conduct is in the 2013-2015 time frame when Mr. Lessenberry was the student’s professor and/or internship coordinator
- Mr. Lessenberry paid the student to feed his pets and paid at least one of her mortgage payments (approximately \$750).
- Mr. Lessenberry and the student had an ongoing relationship that included the exchange of loving, passionate cards and a physical relationship that consisted in

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part of numerous passionate kissing sessions (including in Mr. Lessenberry's office and car) over a several month time period.

- Mr. Lessenberry told the student that they would need to keep their relationship more private. The student had felt the relationship was going down a slippery slope and was seeking a way out of the relationship. Thus, she said that she would no longer see Mr. Lessenberry and would not participate in an independent study that she had scheduled with Mr. Lessenberry the following semester. Mr. Lessenberry reportedly became irate. He threatened to fail the student in both her final class with him and the independent study. The student finished the class with Mr. Lessenberry and received an A. Mr. Lessenberry, however, refused to allow her to withdraw from the independent study and an incomplete remains on the student's transcript.

Student C

- Student C was a student in the 2005-2006 time frame and was in her early 30s then.
- Mr. Lessenberry asked the student if she had a boyfriend, and when she replied "no," he said "good."
- Mr. Lessenberry was driving the student home in his car and commented that he's had some students do anything for a good grade. While making this comment he placed his hand on the student's thigh and squeezed it.

Student D

- Student D was a student in the 2014 time frame and was in her early-to-mid 20s then.
- Mr. Lessenberry repeatedly told her she was "beautiful" and "very pretty" and that she had the potential to be very successful with his help.
- Mr. Lessenberry asked her about her diet and when she replied that she was vegan he said something like "no wonder you look so good, keep it up."
- In class, Mr. Lessenberry created a hypothetical during which he referred to himself and Student D "breeding" and creating beautiful babies.
- While in an elevator alone with Student D, Mr. Lessenberry asked her how she was. When she replied exhausted but good, he said "you're going to be ok, I promise" while using the back of his hand to caress her arm. Student D felt very uncomfortable and got off the elevator as quickly as possible.

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- Student D did not receive the grade she felt she deserved in Mr. Lessenberry's class, and she emailed him about ways to improve her grade. Mr. Lessenberry repeatedly asked her to come to his office to discuss the issue. Based on her past interactions with Mr. Lessenberry, she did not feel comfortable going to his office because she was worried that if she did "he would've tried to do more" to her.

III. Policy Findings and Recommendation

Based on the above Factual Findings, Mr. Lessenberry's actions violated several WSU policies, including, but not limited to, the Wayne State University Non-Discrimination/Affirmative Action Policy and the Sexual Harassment Statute, and potentially the Policy 01-5 Sexual Assault based on the "intentional, unconsented, unwelcome physical contact" described herein.

I understand that Mr. Lessenberry resigned from WSU effective June 22, 2018. Had he not resigned, I would have recommended termination of his employment based on the Factual Findings and related policy violations.

It would be prudent to review reporting requirements with all faculty to ensure they are aware of the proper steps that must be taken if a student shares information that could be a policy violation.

COM 5080
Lessenberry
Fall 2016
Wednesday, 6:00- 8:45 p.m.
266 Manoogian Hall

11
1/21/17

COM 5080
TV Reading Test
Nov. 10, 2016

- 1) Where was commercial television first presented to Americans?
(Name the event and the year -- and by whom?)

1939, World's Fair in New York By David Sarnoff

- 2) Local stations that have a contract with one of the networks but
are not owned by them are called ...

Affiliates

- 3) PBS acts like a network, but doesn't accept advertising and
doesn't produce -----

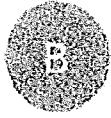
original network programming

- 4) For many years, there were only three major networks -- ABC,
NBC and CBS. A major new one began in 1985. What was it?

FOX

- 5) There was another early network that died in 1955. What was it
called?

Dumont



bucca@aol.com

Apr 19, 2017

To You

no

Some day I shall kiss you; the jail time will be worth it

...

Sent from my iPhone

...



Reply





bucca@aol.com

...

To: You [REDACTED]

Tuesday, February 21, 2017, 11:45 PM

You know you mesmerize me, and I could get lost in you

...



Reply





bucca@aol.com

...

To: You [REDACTED]

Tuesday, February 21, 2017, 11:34 PM

I want to talk to you about everything under the sun, and smell your hair besides.

I want you to sleep well and know you are going to do great things, and I'll be cheering you on - J

...

Sprint LTE

12:26 PM

39%



Would you talk to me on the phone for a moment?

Sent from my iPhone



Jack Lessenberry

Jan 25, 2017

To You

...

You weren't whining . A grownup who admires you
was offering his shoulder

Sent from my iPhone



Jack Lessenberry

Jan 25, 2017

To You

...

I won't scare you on the phone, [REDACTED]

Sent from my iPhone

Sprint LTE

12:30 PM

38%

91 121



bucca@aol.com

Dec 31, 2016

To You

100%

helping you would be the greatest of pleasures for me.

100%



Jack Lessenberry

Dec 31, 2016

To You

100%

If a man really loves someone, making them happy is far more satisfying to him than pleasing himself. You can forget much else I've taught you but don't forget that

Sent from my iPhone

100%

Re: He mused



Jack Lessenberry

To You

Dec 8, 2016

...

That she was indeed Beautiful, and sexy in an entirely unintentional way, and yet her mind and drive were more alluring still. Fascinating

Sent from my iPhone

...

Sprint LTE

12:41 PM

34%



Re: Actually



bucca@aol.com

Dec 4, 2016

To You

...

Glamorous as this is --- I think the woman I see in class every week is pretty darn alluring,

And your story was really well done -- which is why I thought of you for the anthropology job.

You have great multi-media potential.

...

Sprint LTE

12:41 PM

35%

Get [Outlook for iOS](#)



Jack Lessenberry

Dec 6, 2010

To You

100%

Morning you - your writing is indeed superior - I'm not
flattering you at all !

Sent from my iPhone



Jack Lessenberry

Dec 5, 2010

To You

100%

..and I hope you aren't offended I allowed myself to
notice the rest. If it hadn't been for your writing ,
believe it or not, I wouldn't have

Sent from my iPhone