May 18, 2010

Faculty, Staff and Students
Kennesaw State University
Sent Via E-mail

Dear Campus Community:

Over the past two weeks, there has been extensive media coverage regarding one of our students, senior Jessica Colotl, on the heels of her arrest by a KSU police officer on Tuesday, March 30, for a traffic violation.

Much of the media coverage has been fair and accurate. However, a few media outlets have distributed distorted and inaccurate reports of what occurred.

I want you to hear directly from me about how the situation developed, and I want to set the record straight regarding what did, and did not, occur.

First, regarding Ms. Colotl’s admission to Kennesaw State, she graduated from an accredited Georgia high school and was admitted to KSU in 2006 as an in-state student in accordance with Board of Regents policy.

Effective in Fall 2007, the Board of Regents formally changed its tuition classification policy so that undocumented students could no longer receive in-state tuition. KSU complied fully with the change in policy relative to all known undocumented students admitted at that time and thereafter.

On Monday, March 29, Ms. Colotl was stopped by a KSU police officer at approximately 11 a.m. for “impeding the flow of traffic” in Parking Lot A. During the traffic stop, the officer asked Ms. Colotl to present her driver’s license. During the dialogue between the officer and Ms. Colotl, she indicated that she had a Mexican driver’s license, but that she did not have it with her. She was instructed by the officer to bring the license to the KSU police department by noon the following day.

On Tuesday, March 30, Ms. Colotl reported to the KSU police department at 11:55 a.m., and informed the officer that she could not find her Mexican license. She presented her Mexican passport, which had an August 2007 expiration date. The officer then informed Ms. Colotl that she was being arrested for two citations: 1) Impeding the Flow of Traffic; and 2) Driving While Unlicensed.
The KSU officer then transported Ms. Colotl in his patrol car to the Cobb County Adult Detention Center (ADC), where she was released to a Cobb ADC Intake Officer. Under the guidelines of the Cobb County Sheriff Office’s participation in the U.S. Immigration and Customs Enforcement’s (ICE) 287(g) program – which permits designated state and local law enforcement agencies to perform immigration law enforcement functions, pursuant to a Memorandum of Understanding – Ms. Colotl’s unlawful immigration status was determined. She was turned over to ICE officials and transferred to an ICE facility in Gadsden, Alabama.

KSU’s administration became aware of Ms. Colotl’s arrest and incarceration on April 26. We discussed it at the Cabinet meeting on April 27, after which KSU officials took the following actions:

- University Attorney Flora Devine ascertained Ms. Colotl’s legal status by contacting her country’s consular officials and calling her attorney. Ms. Devine NEVER offered legal advice of any sort, as has been falsely claimed.

- The University’s Vice President for Student Success and Enrollment Services Dr. Jerome Ratchford contacted Ms. Colotl’s sorority sisters, who had begun to speak to the media on her behalf, to ascertain her status, and to inquire as to what assistance could be provided regarding her matriculation.

- I wrote a letter to the judge of the Atlanta Immigration Court that was hearing her request for an immigration bond, asking that “WITHIN THE LETTER OF THE LAW,” he permit Ms. Colotl to complete her studies at KSU. Her request was denied.

- The actions taken by members of my administrative team and me were completely appropriate. They were focused on ascertaining the status of a KSU student in good standing who had become embroiled in a complex legal matter initiated by her legitimate arrest by a KSU police officer.

On Friday, April 30, the Atlanta Immigration Court heard Ms. Colotl’s case. She was denied bond, and rather than being deported, agreed to voluntarily depart the United States for Mexico within 20 days of the hearing date.

On Wednesday, May 5, ICE – at its own discretion with NO involvement of KSU – granted Ms. Colotl a deferred action for one year, effective until May 5, 2011. This deferred action means that she is allowed to remain in the U.S. to continue her education for one year. This deferral neither gives Ms. Colotl new immigration status nor changes Ms. Colotl’s immigration status. The deferred action is an act of discretion and administrative convenience by ICE. According to the deferral letter from ICE, Ms. Colotl remains an “alien illegally or unlawfully within the U.S.,” subject to removal proceedings if the conditions of her deferral are not met.

Upon notification by ICE that the agency intended to release Ms. Colotl, ICE asked KSU to assist with her transportation. Recognizing that she did not possess a valid driver’s license nor any means of transportation, KSU agreed to do so.
An Atlanta immigration official drove Ms. Colotl from Gadsden, Alabama, to Atlanta. A KSU student success administrator and a representative of Ms. Colotl’s sorority picked up Ms. Colotl from the immigration office. Mr. Ted Cochran, KSU’s chief of police, volunteered to drive the group in his own private vehicle for this pick up and drop off. She was transported from Atlanta to a residence in Gwinnett County. Contrary to published reports, no celebration was ever discussed or planned.

After learning of Ms. Colotl's immigration status, KSU's administration has determined that she must be, and will be, charged out-of-state tuition rates for any future courses in which she enrolls at the university.

There also has been conjecture regarding whether or not undocumented students at KSU receive either federal or state financial aid. For the record, neither form of aid is afforded to undocumented students at KSU.

As of May 13, Ms. Colotl's legal issues took another turn regarding her alleged falsification of information in her interaction with law enforcement officials. As to any issues that Ms. Colotl must address relative to her latest legal challenges, those issues lie outside the purview of KSU's administration. We have accordingly directed that any inquiries regarding Ms. Colotl's legal status be addressed to the appropriate law enforcement officials, which currently include the Cobb County Sheriff's Office and the U.S. Immigration and Customs Enforcement agency.

I trust that knowing these facts will ensure that our campus community is accurately informed regarding the developments surrounding Ms. Colotl, which will allow you to appropriately separate fact from fiction surrounding this case.

The immigration debate is volatile and center stage in our nation. However, KSU’s administration will not become embroiled in that debate. Our focus has been and remains on ensuring that we are in full compliance with all Board of Regents' policies that address the classification of undocumented students.

My actions, and those of my administration, were taken in response to the specific circumstances and were aimed at addressing the welfare of a KSU student. These actions, devoid of any political agenda, were purely and simply an act of compassion that we would take on behalf of ANY student who is in good standing at this university.

Sincerely,

Dan Papp,
President

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