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Ga. college student expelled after criticizing president's plan files suit

University president said Facebook postings showed student to be 'clear and present danger'

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GEORGIA — A student who was expelled after repeatedly criticizing a plan championed by the university president for a new parking garage filed a federal **lawsuit** Thursday, alleging that school officials violated his rights by expelling him on a trumped-up charge that he was a danger to the campus.

T. Hayden Barnes, then a Valdosta State University sophomore, began his campaign against the parking garage plan in response to a March article in the Valdosta State student newspaper, *The Spectator*. Barnes, an environmental activist, posted fliers around campus advocating alternatives. He also sent e-mails to fellow students and university officials, including President Ronald Zaccari, and posted some responses on his Facebook page.

According to the lawsuit, Barnes took down the fliers and Facebook postings in late March, after learning from classmates in a campus environmental organization that Zaccari was upset about the posts. But he continued his activism in April. He had a letter to the editor published in *The Spectator*, continued lobbying University System of Georgia regents and, in a letter to Zaccari, requested an exemption from having to pay the portion of his student fees that would fund the new parking garage.

He also posted an editorial-cartoon-style **collage** on his Facebook page. The collage included a photo of Zaccari and a parking garage, slogans such as "more smog" and a title labeling the garage the "S.A.V.E.-Zaccari Memorial Parking Deck" — referring to S.A.V.E., the campus environmental group, and Barnes' belief that Zaccari considered construction of the parking garage a major part of his legacy.

Barnes found a letter in his dorm room May 7 informing him that he had been "administratively withdrawn" because he posed a "clear and present danger" to the campus — even though, according to the lawsuit, both a school counselor and Barnes' private psychiatrist had told university officials that they did not believe Barnes had shown any violent tendencies. The letter from Zaccari specifically cited the Facebook collage as a "threatening document."

Barnes appealed his expulsion to the Board of Regents. He also contacted the Foundation for Individual Rights in Education, which sent letters to Valdosta State protesting Barnes' expulsion and issued press releases about the case — with supporting documents — on its **Web site**.

After Barnes' hearing before the Office of State Administrative Hearings was postponed several times, Barnes filed suit in U.S. District Court for the Northern District of Georgia Jan. 9. The suit alleges that Valdosta State, the Board of Regents, Zaccari and other school officials violated Barnes' First Amendment rights. The suit also claims Barnes' expulsion violated the school's own disciplinary procedures and Barnes' due process rights, and that the school violated the federal Americans with Disabilities Act by using Barnes' mental-health status — he received treatment for anxiety and depression — as a pretext to label him a threat and expel him.

Barnes's suit asks for relief including unspecified money damages, attorneys' fees

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and a declaration that Valdosta State acted illegally.

Valdosta State, through spokeswoman Thressea H. Boyd, said Zaccari and the school would not comment on the pending lawsuit. However, in its **submission** to the Office of State Administrative Hearings, the Board of Regents pointed to several other postings Barnes made as evidence of the threat he posed. For example, he posted a status message on Facebook that he was "cleaning out and rearranging his room and thus, his mind, or so he hopes." He also posted a link to an article about the April 16 massacre at Virginia Tech, and one page included a banner ad for Project Spotlight, a Web-based film submission contest. The contest's tagline was: "Shoot it. Upload it. Get famous. Project Spotlight is searching for the next big thing. Are you it?"

"President Zaccari considered Petitioner's actions, including the statement on the Facebook website, to be a specific threat to his safety and a general threat to the safety of the campus," the Board of Regents wrote.

In response, Barnes' suit calls the Project Spotlight ad "completely unrelated" and the university's interpretation of the news article as evidence of a threat an ironic misreading.

"In fact, the author of the article made the opposite point — that because of the Virginia Tech tragedy, some people would be branded as dangerous when they were not," the suit says.

Robert Corn-Revere, a Washington, D.C., attorney representing Barnes, said that he had reviewed the documents posted by FIRE, along with other messages Barnes sent that have not been released, and that none of the messages support Zaccari's rationale for expelling Barnes.

"There's no conceivable argument that's plausible that would support the allegations that there was any kind of threat," Corn-Revere said. He said Barnes himself would not be speaking publicly at this stage of the litigation.

Barnes is now enrolled at Kennesaw State University, near Atlanta, but Corn-Revere said Barnes would like to return to Valdosta State if his suit is successful — particularly given that Zaccari announced in November that he would be retiring at the end of the school year.

By Michael Beder, SPLC staff writer

For More Information:

- **Ga. student who protested plans for campus parking garage contesting removal** News Flash, 10/26/2007

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