

# TU suspended student without hearing, failed to present evidence to accused

Trey Barnett was suspended last semester for Facebook posts written by someone else. He was never provided with a hearing. Editor-in-Chief Kyle Walker and Managing Editor Conor Fellin report. 9 February 2015

Late last October, the University of Tulsa suspended George “Trey” Barnett on harassment charges. The case centered on three Facebook posts which either tagged Barnett or were posted to his page by another account.

Christopher Mangum, now Barnett’s husband but at the time his fiancé, claims in two sworn affidavits that he wrote the posts. Mangum has never attended TU and has been barred from campus.

Documents obtained by the Collegian show that Barnett never received a hearing, even though the Student Code of Conduct provides that “in all cases, a student accused of one or more violations of the student code has the right to a hearing.”

Barnett has been suspended until at least 2016. He will not be allowed to graduate from TU with a degree in theatre, a degree which he was eleven credit hours from completing. Barnett was to graduate in December. He told the Collegian that his tuition had been paid in full.

After the suspension, Barnett filed an appeal that was ultimately rejected. The school will not hear any further appeals in this case.

Barnett provided the Collegian with copies of every document referred to in this article. The university declined to verify the veracity of the documents or comment on any aspect of this case.

## **“Trey and Chris are working together”**

Though the first of the relevant posts appeared on Barnett’s Facebook page in March of last year, it was not until late September when another post appeared that the university filed disciplinary charges against Barnett.

On Sept. 30, Barnett met with Senior Vice Provost Winona Tanaka. At this meeting, Barnett received a letter suspending him from several classes, removing him from his position on “The Glass Menagerie,” restricting his access to Kendall Hall and notifying him that a complaint had been filed against him.

The letter stated that it was “necessary to impose immediate restrictions” on Barnett given the “nature of the allegations.”

Several days later, a formal written complaint was lodged against Barnett. The complaint claimed that “Trey and Chris (were) working together” to create social media posts that allegedly harassed three faculty members and one student. The complaint cited four such posts over seven months and included screenshots of the offending material.

In two of these instances, Mangum tagged Barnett in Facebook posts. In a third, Mangum posted directly to Barnett's page. On Oct. 1 and 3, Mangum provided the university with two sworn affidavits stating that he alone was responsible for these posts.

On Oct. 9, Mangum was barred from campus. A letter sent to Mangum by Dean of Students Yolanda Taylor reads: "You will not be permitted on campus because of what you have said on your Facebook about TU, faculty and students."

The complaint also mentioned a comment made by a user named "John" on local news station KTUL's website. According to the complaint, this comment "uses the same language and same accusations" as one of the other posts in question. Both Barnett and Mangum deny any involvement with this comment.

The complaint further claimed that Barnett was warned to prevent offensive postings. Barnett denies that he received such warnings, and no other evidence was ever presented that he had.

On Oct. 13, Barnett gave Tanaka his written response to the complaint filed against him. Tanaka provided Barnett with her decision less than two weeks later on Oct. 24.

### **"I decide whose story is more credible"**

Tanaka's 23-page decision finds Barnett responsible for several different violations of either the Student Code of Conduct or the Policy on Harassment.

The decision argues that Barnett was "responsible, directly or indirectly, for the postings" in question; that he "failed to act" to remove or prevent the posts; that he violated the Policy on Harassment because the posts were injurious to an individual's reputation; and that he breached confidentiality by sharing details of the case against him with his then-fiancé and potential witness in his defense, Christopher Mangum. The formal complaint originally alleged that Barnett and Mangum were working together. The decision takes a different line of argument.

Tanaka ultimately claims not that Barnett and Mangum were working together but that "Barnett became responsible for taking reasonable steps to prevent further attacks ... on his Facebook page."

Tanaka alleges that Barnett "did nothing" for "five months" and that he "acted only in early October, after commencement of this harassment case."

Barnett contests this version of events. In his appeal, Barnett claims that "each of the controversial comments made by Chris Mangum on Mr. Barnett's Facebook page were removed promptly after notice of their posting" and that "no single comment at issue in this proceeding was published to Mr. Barnett's Facebook page for more than 48 hours."

Tanaka's decision does not show any sign that the school attempted to establish how long each post was available or how many people read them. Instead, the decision simply states that "some readers contacted one or more of the (complainants)" about the posts. The decision does not say whether these readers were interviewed and relies on the complainants' own testimony to establish that the posts were widely read.

Barnett took particular exception to this part of the decision. In his appeal, he argues that "Tanaka presumed without factual support (that) the commentary was published for a significant period of time and to a significant audience."

Similarly, the decision claims that one of the Facebook posts “quickly became the subject of discussion and gossip among students, faculty and alumni,” but provides no evidence to that effect.

Throughout the decision, Tanaka relies almost exclusively on the testimony of Barnett’s accusers, making reference to no other witnesses except Barnett. Mangum was never interviewed, and testimony he provided is explicitly rejected by Tanaka. Although Mangum provided the school with two sworn affidavits in which he claimed sole responsibility for the posts, Tanaka dismisses his claims as “not credible.”

Tanaka took this position with respect to Barnett’s testimony as well. In a recording Barnett made the day he was given the decision, Tanaka can be heard saying, “The bottom line is, I don’t find your responses credible,” and, “I examine the witnesses, and I decide whose story is more credible.”

She goes on to tell Barnett, “I am not obligated to accept anything that you or anyone else says at face value.” Tanaka’s decision does not describe or mention interviews with anyone other than Barnett and his accusers.

Other than the formal complaint and an initial meeting between Tanaka and Barnett’s accusers, no other sources of evidence are mentioned in any detail. Tanaka refers repeatedly to “evidence obtained during the investigation” but does not identify sources.

In fact, the only concrete evidence provided by the complainants and documented in the decision was the series of Facebook posts in question, appended to the formal complaint.

According to all of the documents available to the Collegian, Barnett was never provided with a hearing. As such, he was never confronted with the vast majority of the evidence recorded in the decision, never confronted with the specific arguments used by Tanaka and never provided with an opportunity to present witnesses on his behalf.

“There’s no solid evidence,” Barnett said. “And if there is, it was never given to me.”

The Student Code of Conduct states that all students shall have the opportunity “to hear all information against (them) and to question all witnesses against (them)” and “to present relevant information and witnesses on his/her behalf.”

Even so, Barnett was punished for sharing details of the case with Mangum, a potential witness, on the grounds that by doing so he breached the confidentiality of the proceeding.

The university has declined to explain how Barnett could gather witnesses under such strict confidentiality requirements.

### **“No further appeal is available”**

The decision imposed a number of sanctions upon Barnett. He was suspended and banned from campus until 2016. He will not be allowed to graduate with a major or minor in theatre, and he is not allowed to transfer theatre courses to TU from another university. His transcript will show that he was suspended.

Barnett told the Collegian that he has also been locked out of his TU email account. The school has since provided Barnett and his attorneys with three cardboard boxes full of printed e-mails.

On Nov. 10, Barnett appealed Tanaka’s decision to Provost Roger Blais. Barnett’s appeal claimed that TU had violated its own policies by failing to give Barnett a hearing, by suspending him before they had received a formal written complaint and by punishing him for sharing information with a potential witness.

The appeal also argues that “Barnett cannot be held accountable for the conduct of a third-party adult,” that “the university’s decision is not supported by credible evidence,” and that the sanctions imposed on Barnett were excessive.

Additionally, Barnett offered to delete all of his social media accounts for the rest of his TU career if his appeal were granted.

Two months later, on Jan. 9, Barnett received the school’s one-page response to his appeal. After a brief discussion, his appeal was summarily dismissed in two sentences and with no argumentation. “No further appeal is available at the University of Tulsa,” the response reads.

### **“I’m having to start completely over”**

In the course of these events, Barnett and Mangum moved from their house across the street from campus to south Tulsa.

Barnett is now living there and working at a wholesale beauty supply store.

Both the move and the counseling Barnett sought during and after the disciplinary process have caused Barnett to incur significant expenses.

Barnett has been looking for a way to finish his degree.

He recently tried an online graphic design program, only to discover that just one of the 113 credits he had earned at TU would transfer.

“My original plan was: graduate from TU, get my degree with my lighting design emphasis, go to Tulsa Tech, get a degree in being an electrician,” Barnett said. “Building up all the knowledge in the area and being able to put it toward theatre.”

“I’m having to start completely over.”