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Friday, January 18, 2008

## Georgia Regents Reverse Student's Expulsion From Valdosta State U.

By [SARA LIPKA](#)

The Board of Regents of the University System of Georgia has reversed a decision by the president of one of its campuses to expel a student who had protested plans to build parking garages there.

The student, T. Hayden Barnes, who had just finished his sophomore year at Valdosta State University when he was expelled last spring, filed a federal lawsuit against the university last week.

Mr. Barnes learned that he had been "administratively withdrawn" from Valdosta State last May in a letter from the institution's president that was slipped under the door of his dormitory room.

"As a result of recent activities directed towards me by you, included but not limited to the attached threatening document, you are considered to present a clear and present danger to this campus," the president, Ronald M. Zaccari, stated in the [letter](#).

The expulsion was effective immediately, although Mr. Barnes was informed he could appeal the action to the system's Board of Regents. The attached document was a printout of a collage Mr. Barnes had posted on Facebook, including images of a parking garage, cash, an inhaler, Mr. Zaccari, and a public bus (expanding the public-transportation system was Mr. Barnes's proposed alternative to the two new parking garages). At the top of the posting, Mr. Barnes wrote "S.A.V.E.-Zaccari Memorial Parking Deck," a label that he described in an interview as sarcastic commentary on the president's devotion to the plan and the reluctance of a campus environmental group, Students Against Violating the Environment, to oppose it.

"It was a tongue-in-cheek poke at this administrator who had just tried to railroad me into silence," said Mr. Barnes on Thursday.

Mr. Barnes had been an active opponent of the garage project, which was estimated to cost \$30-million and which he considered environmentally and fiscally irresponsible. Over several months, he had written a letter to the editor of the student newspaper, posted flyers around the campus, sent e-mail messages to Mr. Zaccari, and met with the president to protest the proposed garages.

Those events unfolded in the weeks immediately before and after the shootings at Virginia Tech last April.

### Development of a Lawsuit

Mr. Barnes appealed his expulsion to the regents, who initially referred the case to the state's Office of State Administrative Hearings. As the hearing process stalled, the case attracted attention from the Foundation for Individual Rights in Education, and Mr. Barnes got a lawyer.

His lawsuit, filed in the U.S. District Court in Atlanta last week, names the system's Board of Regents, Valdosta State, President Zaccari, and four other administrators and a counselor there as defendants. In it, he seeks to be reinstated as a student and paid lawyers' fees and damages. A [copy of the complaint](#) is available on the foundation's Web site.

The lawsuit alleges that Mr. Barnes's free-speech and due-process rights were violated, as were his rights under the Americans With Disabilities Act. Mr. Barnes had sought counseling for anxiety and depression, and he says that information influenced the university's action against him.

A few days after the lawsuit was filed, the regents overturned Mr. Barnes's expulsion. A spokeswoman for the board declined to comment on the decision on Thursday, citing federal privacy

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law.

Mr. Barnes was pleased with the decision, but not satisfied. "It certainly would appear to most people, including me, that this is some admission of wrongdoing," he said. Now "they can either enter negotiations toward a reasonable settlement, or we can have an expensive, embarrassing, public federal trial in Atlanta."

The regents' decision to overturn the expulsion satisfies one of Mr. Barnes's claims, said one of his lawyers, Robert Corn-Revere. "What it doesn't do is resolve the damages that Hayden suffered as a result of actions taken against him," he said.

The lawsuit alleges that, among other violations of Mr. Barnes's privacy, Mr. Zaccari had him followed by a security detail and repeatedly contacted his mental-health counselor.

Free-speech experts contacted by *The Chronicle* saw merit in Mr. Barnes's position. "It seems to me that this is a clear First Amendment violation," said Jon B. Gould, director of the Center for Justice, Law & Society at George Mason University. "Students have a right to protest, and presidents are fair game."

Unless Mr. Barnes made specific threats to Mr. Zaccari that the university has not disclosed, there is no defense for such hasty action, Mr. Gould said. "It is absolutely unheard of for a student to be expelled without getting some opportunity to be heard—unless it's a situation where it's an absolutely emergency, like the student has been found with a bunch of weapons in his backpack."

Mr. Barnes now attends Kennesaw State University, near Atlanta. Mr. Zaccari announced in November that he would retire at the end of June, six months earlier than planned.

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